

***United States Court of Appeals  
for the Second Circuit***



**AMICUS BRIEF**





77-4196

CASE NO. 77-4196

UNITED STATES COURT of APPEALS  
FOR THE SECOND CIRCUIT

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

and

ELMSFORD SHEET METAL WORKS, INC.,

Intervenor,

v.

SHEET METAL WORKS INTERNATIONAL  
ASSOCIATION, LOCAL UNION NO. 38,

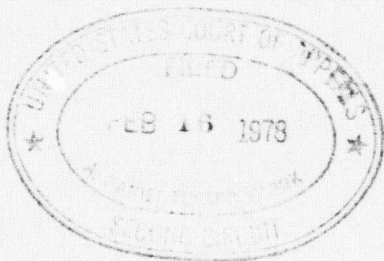
Respondent.

ON APPLICATION FOR ENFORCEMENT OF AN ORDER OF  
THE NATIONAL LABOR RELATIONS BOARD  
BRIEF OF  
SHEET METAL and AIR CONDITIONING  
CONTRACTORS NATIONAL ASSOCIATION  
as AMICUS CURIAE

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OF THE NATIONAL LABOR RELATIONS BOARD

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BRIEF OF  
SHEET METAL AND AIR CONDITIONING  
CONTRACTORS NATIONAL ASSOCIATION  
as AMICUS CURAIE

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1. Whether the Board properly found that the Local violated Section 8 (b) (3) of the Act by insisting to impasse on the inclusion in the parties' new contract of nonmandatory proposals about interest arbitration and industry promotion funds.

2. Whether the Board properly found that the Local restrained and coerced the Company in the selection of its bargaining representative, thereby violating Section 8(b) (1) (B) of the Act.



## INTEREST OF AMICUS CURIAE

The Sheet Metal and Air Conditioning Contractors National Association (hereinafter referred to as "SMACNA") is an incorporated national trade association of contractors in the sheet metal industry. At the present time there are over 2,300 members of this national association, and SMACNA is the largest association of sheet metal contractors of its kind in the United States.

SMACNA performs various functions pertaining to labor relations in behalf of its members. A Joint Labor Relations Adjustment Committee composed of members from SMACNA and from the Sheet Metal Workers International Association (hereinafter referred to as "SMWIA") meets periodically for the purpose of drafting proposed uniform language on basic contract provisions. The language adopted by SMACNA and SMWIA is commonly referred to as the "Standard Form of Union Agreement" which is recommended by SMACNA to its contractor members for adoption as their labor agreement with their own local union. SMACNA and SMWIA established the National Joint Adjustment Board (hereinafter referred to as NJAB) over 20 years ago to handle contractual grievances between local employers and local unions. SMACNA also established the Sheet Metal and Air Conditioning Contractors National Industry Fund of the United States. In particular, SMACNA recommended that the industry promotion fund and the



interest arbitration through the NJAB herein be adopted as part of the labor agreement.

This matter is of significance to SMACNA because sustaining the Board's order will have an unfavorable affect upon continued use of the industry fund, interest arbitration and the NJAB, all of which have contributed to industrial peace within the building trades industry.

#### INTRODUCTORY STATEMENT

The matters in issue here transcend the interest of the particular parties involved. This case raises matters of recurring importance, national in scope, which require careful consideration by the Court.

The basic issues to which we address ourselves involve the mandatory nature of interest arbitration and industry funds as subjects of collective bargaining under Section 8(d) of the Act and the alleged restraint and coercion of Elmsford Sheet Metal Works in the selection of its bargaining representative under Section 8(b)(1)(B) of the Act. Our brief will assume, arguendo, that the parties bargained to the point of impasse on the issues we shall discuss. We shall leave discussion of that particular issue to the Petitioner and Respondent.

As a proponent of the industry fund and interest arbitration through the NJAB, SMACNA is intimately aware of the thought and consideration that went into proposing these provisions. SMACNA shall argue in this brief that sustaining



the Board's order would not be in the best interests of the building trades industry and would be contrary to national labor policy.

I. CONTRIBUTIONS TO THE NATIONAL AND LOCAL  
INDUSTRY FUNDS ARE A MANDATORY  
SUBJECT OF BARGAINING

The stated purpose of contributions to the national industry fund is to "promote programs of industry education, training, negotiation and administration of collective bargaining agreements, research and promotion, such programs serving to expand the market for the service of the sheet metal industry, improve the technical and business skills of employers, stabilize and improve Employer-Union relations, and promote, support and improve the employment opportunities for employees." (See 231 NLRB 101, Appendix B, Article VIII Section 12(a)). The purpose of contributions to the local fund is substantially similar. (See 231 NLRB 101, Appendix B, Article VIII, Section 13 (a)).

This case raises the question of whether or not industry funds, and in particular industry funds in the contract construction industry with the above-stated purposes, are a mandatory subject of bargaining. SMACNA, as representative of its contractors, urges the court to carefully reconsider the decision of the Board in this case. The national and local industry

funds have long been a subject of the collective bargaining agreement between members and chapters of SMACNA and the Sheet Metal Workers International Association. These funds have operated for the mutual benefit of members and chapters of SMACNA and the SMWIA. Sustaining the Board's position on this issue would be disruptive of the harmonious relations which these funds have served to foster between management and labor chapters. However, this result need not occur for a careful examination of the Act and its underlying policy reveals that the subject of industry funds falls within the ambit of section 8(d) of the Act wherein mandatory subjects of bargaining are outlined. The relevant part reads:

"To bargain collectively is the performance of the employer and the representative of the employees to meet at reasonable times, and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession . . ." (emphasis supplied)

"Section 8(d) of the Act does not immutably fix a list of subjects for mandatory bargaining . . . But it does not establish a limitation against which proposed topics must be measured. In general terms, the limitation includes only issues that settle an aspect of the relationship between the employer and employees." Allied Chemical and Alkali Workers v. Pittsburgh Plate Glass Co., 404 U.S. 157, 178, 92 S. Ct. 383, 397 (1971).

As the Supreme Court's opinion from Allied Chemical indicates, interpretation of the Act and the definition of what is mandatory



subject of bargaining has had to be flexible enough to keep in step with the changing nature of industrial relations. Otherwise, the Act would become a barrier to progress in an area such as collective bargaining. In this respect, the duty to bargain under the Act has been extended to cover no strike clauses, Shell Oil Co., 77 NLRB 1306 (1948); group health insurance, W. W. Cross & Co. v. N.L.R.B., 174 F. 2d 875 (1st Cir. 1949); profit sharing plans, Dickten & Masch Mfg., 129 NLRB 112; Kroger v. N.L.R.B., 399 F. 2d 455 (6th Cir. 1968); stock purchase plan, Richfield Oil Corp. v. N.L.R.B., 231 F. 2d 717 (D.C. Cir. 1956), cert. den. 351 U.S. 909, 76 S. Ct. 695 (1956); merit wage increases, N.L.R.B. v. Katz, 369 U.S. 376, 82 S. Ct. 1107 (1962); the rental of Company housing on the theory that it materially affected conditions of employment, N.L.R.B. v. LeHigh Portland Cement Co., 205 F. 2d 821 (4th Cir. 1953); grievance procedures, Bethlehem Steel Co., 136 NLRB 1500 (1963); arbitration, N.L.R.B. v. Boss Mfg. Co., 118 F. 2d 187 (7th Cir. 1941); work rules, N.L.R.B. v. Southern Transportation, Inc., 343 F. 2d 1958 (8th Cir. 1965); duration of a collective bargaining agreement, U.S. Pipe & Foundry v. N.L.R.B., 298 F. 2d 873 (5th Cir. 1962). See also generally Morris: The Developing Labor Law, 1971, pp. 389-439.

Thus, the courts as well as the Board have recognized the subject matter of collective bargaining must reflect the changing conditions of industrial society. Accordingly, they have adopted

an evolutionary approach on the subject which has resulted in a constantly expanding list of topics to be discussed as mandatory subjects of bargaining. In this case, the Board held that the industry funds were not a mandatory subject of bargaining, citing Detroit Resilient Floor Decorators Local Union No. 2265 of the United Brotherhood of Carpenters and Joiners of America, AFL-CIO, 136 NLRB 769, 49 LRRM 1842 (1962), enf'd 317 F. 2d 269 (6th Cir. 1963). Though this decision was consistent with past Board rulings, it is our contention that the language of the trust agreement, the expenditures of the trust, the nature of this particular industry and the policy of adapting to the changing nature of industrial relations lead to the conclusion that the industry funds in question should be a mandatory subject of bargaining.

One measure of changing conditions is how commonplace it is to find a subject such as industry funds in a collective bargaining agreement. The commonplace existence of such funds becomes significant when the evolutionary approach is applied, especially in light of Fibreboard Paper Products Corp. v. N.L.R.B., 379 U.S. 203, 211, 85 S. Ct. 398, 403 (1964), wherein the Court said:

"While not determinative, it is appropriate to look to industrial bargaining practices in appraising the propriety of including a particular subject within the scope of mandatory bargaining . . . Industrial experience is not only reflective of the interests of labor and management in the subject matter but is also indicative of the amenability of such subjects to the collective bargaining process."



The Board has previously recognized that the appearance of provisions for such funds is common in a number of industries. Detroit Resilient Floor Decorators Local No. 2265, 136 NLRB 112, 49 LRRM 1844. Of course, this becomes significant only if the subject in questions is related to some aspect of the employer-employee relationship. The Board in its decision in this case did not see any relation between industry funds and the employer-employee relationship. It is our position that the industry fund does affect the employer-employee relationship.<sup>1/</sup> In fact, as recognized by Board Member Murphy in her dissent in this case, the Board has recognized that such an industry fund can affect employees' opportunities in the long run. See Detroit Decorators Local No. 2265, supra. Thus, there is a relationship between the funds and the terms and conditions of employment of the workers in this case. Furthermore, this relationship is not tenuous nor ambiguous. By its very terms, the fund seeks to "promote, support and improve employment opportunities for employees."

It is especially necessary to have an industry fund designed to increase job opportunities in an industry such as the building trades. This is made so by the nature of the industry. That is, the building trades industry is one comprised of many

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1/ See fn. 4 of the Board's decision wherein the Board stated, "With regard to industry funds, the Board has held that they are outside the employment relationship, since they concern themselves with the relationship of employers to one another or, like advertising, with the relationship of an employer to the consuming public."

small contractors who, by themselves, are too small to develop programs to expand job opportunities in the industry. It is necessary for them to act in concert to promote the industry and, thus, employment. Additionally, the building trades industry historically has been plagued by higher annual unemployment than other industries and especially high seasonal unemployment.<sup>2/</sup> Only by acting together can the contractors, through the vehicle of the industry fund, pool sufficient resources to attempt to expand the industry and employment therein.

Board Member Betty Murphy, in her dissent in the Board's decision in this case, recognized the unambiguous relation between these industry funds and the employer-employee relationship, wherein she stated:

"The flaw in this logic is that industry funds are not ambiguous matters which have only an arguable connection with the enhancement of the industry. Rather, the sole purpose of the funds is to promote the industry, and thereby improve employment opportunities for unit employees through increased business opportunities for the employer. Furthermore, no one can question that education, research, and promotion are rationally related to this goal. Whether or not these means actually succeed is not and never has been a measure of whether a subject is one upon which the parties are compelled to bargain. Many provisions in contracts dealing with mandatory subjects have only speculative value. Thus, the future value of the stock in a stock purchase plan is uncertain. Similarly, the future value to employees of the employer's contributions under a pension plan is dependent upon the continued existence of the employer, the survival of the employees to retirement age, and the inflationary fund of the economy.

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2/ See Appendix for Bureau of Labor Statistics figures on Unemployment in the contract construction industry.



Yet the Board has long held that these items are mandatory subject of bargaining affecting employees' potential income." 231 NLRB 101 at pp. 15 and 16.

As a direct example of how the funds benefit employees, the income statements of the local fund reveal substantial expenditures for public relations and educational expense.<sup>3/</sup> The contributions to the Joint Apprentice Committee assist in paying salaries of instructors for apprentices. The instructors are all members of the local union. Additionally, contributions are made to the apprentice fund from the industry fund which serve in part to reimburse journeymen who attend welding and sketching courses to improve their status -- and income -- within their industry.

Expenditures of the fund, then, are made in substantial sums for the benefit of industry employees. It should not matter whether these expenditures are a direct benefit (through salaries or reimbursements) or indirect (through promotion of the industry). The point is that this is in accordance with the terms of the fund which dictate that expenditures be made for the enhancement of employment opportunities. Nothing could be more clearly within the terms of Section 8(d) than a subject relating to jobs, job security and job enhancement within an industry.

Thus, SMACNA urges the Court to refuse to enforce the order of the Board and hold that industry funds in the building trades industry are a mandatory subject of bargaining.

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<sup>3/</sup> See Appendix for Balance Sheets and Income Statements of Sheet Metal Contractors Industry Fund of Southeastern N.Y., 1975, 1976, 1977.

II. INTEREST ARBITRATION IS A  
MANDATORY SUBJECT OF  
BARGAINING UNDER THE ACT

The interest arbitration provision has been included in contracts between members of SMACNA chapters and the SMWIA for many years and has lead to peaceful resolution of contract negotiations. The union's request to the employer was limited to seeking compliance with the existing interest arbitration provision.

If the Board's ruling is upheld, it will serve to undermine the long-standing, peaceful relationship between members of SMACNA chapters and local unions of the SMWIA which interest arbitration has helped foster. However, as with the subject of industry funds and for many of the same reasons, this result need not occur for careful examination of the policy underlying the Act supports the conclusion that interest arbitration falls within "wages, hours, and other terms and conditions of employment" of Section 8(d) of the Act.

As previously explained in this brief, "Section 8(d) of the Act does not immutably fix a list of subjects for mandatory bargaining." Allied Chemical and Alkali Workers v. Pittsburgh Plate Glass Co., supra. The Act does limit mandatory bargaining to some aspect of the relationship between employer and employee. Id.

An interest arbitration clause unambiguously reaches an aspect of this relationship. It provides for an alternative



to economic warfare in settling disputes arising out of collective bargaining by protecting workers against interruptions in their employment and earning capacity as well as providing a means for settling disputes over wages, hours and working conditions. On its face, then, an interest arbitration provision directly reaches the terms and conditions of employment.

The policy underlying the Act supports the conclusion that interest arbitration affects the employer-employee relationship and, thus, should be a mandatory subject of bargaining. Section 201 of the Act states the national policy as "settlement of issues . . . through collective bargaining . . . by making available . . . governmental facilities for . . . voluntary arbitration to aid and encourage employer and their representatives of their employees to reach and maintain agreements . . ."

The Supreme Court has indicated that the thrust of the Act is intended to encourage peaceful settlement of labor disputes.

In the Steelworkers trilogy<sup>4/</sup> the Court not only specifically recognized arbitration as an acceptable method of resolving disputes, but actively encouraged it.<sup>5/</sup>

4/ United Steelworkers of America v. American Mfg. Co., 363 U.S. 564, 80 S. Ct. 1343 (1960)

United Steelworkers of America v. Warrior Gulf Navigation Co., 363 U.S. 574, 80 S. Ct. 1347 (1960)

United Steelworkers of America v. Enterprise Wheel and Car Co., 363 U.S. 593, 80 S. Ct. 1358 (1960)

5/ "Arbitration is the means of solving the unforeseeable by molding a system of private law for all the problems which may arise and to provide for their solution in a way which will generally accord with the variant needs and desires of the parties . . . An order to arbitrate the particular grievance should not be denied unless it may be said with positive assurance that the arbitration clause is not susceptible of an interpretation that covers the asserted dispute." United Steelworkers of America v. Warrior & Gulf Nav. Co., 363 U.S. 574, 581-583, 80 S. Ct. 1347, 1352-1353 (1960).

Mr. Justice Harlan clearly expressed this in stating, "[T]his Court has in the past recognized the central role of arbitration in effectuating national labor policy . . . The preference of national labor policy for arbitration as a substitute for tests of strength between contending forces could be overcome only if other considerations compellingly so demand." John Wiley & Sons, Inc. v. Livingston, 376 U.S. 543, 549-550, 84 S. Ct. 909, 914 (1964). The intent of the Act, then, is to diminish the possibility of economic warfare and to encourage attempts at peaceful resolution of conflicts. By its very nature, interest arbitration provides a peaceful means of settling disputes and, accordingly, is a process which furthers the policy of Act.<sup>6/</sup>

6/ Winston-Salem Printing Pressmen v. Piedmont Publishing Co., 393 F. 2d 221 (4th Cir. 1968); Builders Association of Kansas City v. Laborers Council, 326 F. 2d 867 (8th Cir. 1964), cert. den. 377 U.S. 917, 84 S. Ct. 1182 (1964); Division No. 892, Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America v. M. K. & O. Transit Lines, Inc., 210 F. Supp. 351 (D.C. Okla. 1962), reversed on other grounds 319 F. 2d 488 (10th Cir. 1963), cert. den. 375 U.S. 944, 84 S. Ct. 351 (1963); Seltzer & Co. v. Livingston, 253 F. Supp. 509, (D.C. N.Y. 1966) aff'd. 361 F. 2d 218, (2nd Cir. 1966); Nashville Newspaper Printing Pressmen's Union, Local 50 v. Newspaper Printing Corporation, 399 F. Supp. 593 (D.C. Tenn. 1974). These cases all hold that interest arbitration comes within the national policy favoring arbitration of labor-management disputes. All reject the contrary rationale of Boston Printing Pressmen's Union v. Potter Press, 141 F. Supp. 553, (D.C. Mass. 1956) aff'd. 241 F. 2d 787, (1st Cir. 1957) and Austin Mailers Union No. 136 v. Newspaper, Inc., 226 F. Supp. 600 (D.C. Tex. 1963), aff'd. 329 F. 2d 312, (5th Cir. 1964), on the grounds these cases are inconsistent with the Supreme Court's decisions emphasizing the national policy favoring arbitration of labor-management disputes.



As previously noted, the interpretation of the Act and the definition of what is a mandatory subject of bargaining has had to be flexible enough to keep in step with the changing nature of labor-management relations.<sup>7/</sup> The Board has put it succinctly in stating:

"The Board is fully aware that the subject matter of bargaining must reflect the changing conditions of industrial society and the changing responsibilities of labor and management." Detroit Resilient Contractors Local Union No. 2265, supra at 772.

The changing nature of labor-management relations has seen the development and application of interest arbitration. The Board in its decision in this matter has not asserted that this subject is unusual. Further, the number of cases discussing interest arbitration (see fn. 6) would suggest that the subject is quite common to industrial experience. The Supreme Court has stated, previously quoted herein, "[W]hile not determinative, it is appropriate to look to industrial bargaining practice in appraising the propriety of including a particular subject within the scope of mandatory bargaining." Fibreboard Paper Products v. N.L.R.B., 379 U.S. at 211, 85 S. Ct. at 403.

For the reasons outlined, then, the conclusion follows that interest arbitration should be held to be a mandatory subject of bargaining. That is, interest arbitration unambiguously affects the terms and conditions of employment by preventing

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<sup>7/</sup> See p. 5 of this brief for a list of topics held to be mandatory subjects of bargaining.

an interruption in employees' incomes from labor; interest arbitration is a common provision in collective bargaining agreements; and holding that interest arbitration is a mandatory subject would be in concert with the evolutionary approach to interpretation of the Act.

The Board, however, has taken the position that interest arbitration is only a permissive subject of bargaining. This position has been upheld by three circuit courts in N.L.R.B. v. Columbus Printing Pressmen and Assistants Union No. 252, 543 F. 2d 1161 (6th Cir. 1976), N.L.R.B. v. Massachusetts Nurses Association, 557 F. 2d 894 (1st Cir. 1977) and N.L.R.B. v. Greensboro Printing Pressmen and Assistant s Union No. 319, 549 F. 2d 308 (4th Cir. 1977). N.L.R.B. v. Greensboro Printing Pressmen, surpa, affirms the Board's decision and cites N.L.R.B. v. Columbus Printing Pressmen, supra, as authority.

The Board's position on interest arbitration is outlined in Columbus Printing Pressman, 219 NLRB 54, 89 LRRM 1553 (1975). The Board does note that grievance arbitration has been held to be mandatory, that Section 8(d) "does not immutably fix a list of subjects for mandatory bargaining", and that "it is appropriate to look at industrial bargaining practice in appraising the propriety of including a particular subject within the scope of mandatory bargaining", but the Board concluded interest arbitration did not vitally affect the terms and conditions of employment. Id., 89 LRRM at 1556-57.



Chairman Murphy vigorously dissented from the Board majority in Columbus Printing Pressmen, supra. Her instructive opinion challenged the majority opinion that an interest arbitration clause does not vitally affect the terms and conditions of employment. She points out that it is irrelevant as to whether a subject will have an immediately measurable impact upon employees. The Board has held that certain issues are mandatory subjects of bargaining even though the benefit to the party may be quite speculative or remote such as cost-of-living escalators clauses or pension agreements. Id., 89 LRRM at 1564.

The Fifth Circuit in N.L.R.B. v. Columbus Printing Pressmen, supra, expressed the opinion that the benefit to employees from an interest arbitration clause was "too speculative to be considered a term or condition of employment" citing Allied Chemical & Alkali Workers v. Pittsburgh Plate Glass Co., supra.

Reliance upon Allied Chemical to support the proposition that interest arbitration is only a permissive subject of bargaining is misplaced. In Allied Chemical, the Court held that retirees' pension benefits were not a mandatory subject of bargaining since retirees were not employees within the Act and their benefits only remotely affected those of unit employees.

The facts in this case do not involve a third party concern in the employer-employee relationship as in Allied Chemical. Furthermore, as explained by Chairman Murphy in Columbus Printing, supra, interest arbitration clearly affects the terms and conditions of employment and the issue of remoteness is irrelevant.



The Fifth Circuit, as a basis for holding that the benefit of interest arbitration was of "too speculative" to be construed a term or condition of employment, asserted that ". . . fear of wage losses during a strike is a rather remote fear." N.L.R.B. v. Columbus Printing Pressmen, supra at 1166.

The Court did not provide any factual basis for this statement.

Of course, fear of wage loss is remote when there is an interest arbitration clause. However, when such a clause is absent, the fear is still quite real, especially in an industry such as the building trades which historically has been plagued by work stoppages. The figures compiled by the Bureau of Labor Statistics indicate that the issue of work stoppages cannot be casually dismissed.<sup>8/</sup> In the area of contract construction (the area with which this case is concerned), strikes pose a greater problem than in most other areas of employment.<sup>9/</sup> These figures belie the claim that the fear of loss of wages due to a strike is "remote". Certainly the thousands of workers each year who lose wages due to work stoppages would argue with that claim.

Additionally, the Court in N.L.R.B. v. Columbus Printing Pressmen asserted that it may not be in the best interests of workers to give up the right to strike. Id. at 1166.

The Court, in support of this claim, quoted Aikens v. Abel,

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8/ See Appendix for Bureau of Labor Statistics records for 1974, 1975, & 1976.

9/ A. In 1974, there were 688 work stoppages.

B. In 1975, there were 600 work stoppages.

C. 1975 contract construction work stoppages were 14% of the national total

D. 1976 contract construction work stoppages were 11% of the national total.



373 F. Supp. 425, 437 (W.D. Pa. 1974) wherein that court said:

"The emotion-laden term, right to strike, inevitably recalls the bloody and bitter historical struggle for parity that was waged by union members, against the steel companies. No one . . . belittles the importance of the right to strike; brave men died to win it. No one discounts their sacrifice."

However, in quoting Aikens, the Fifth Circuit ignored the rest of the quoted paragraph wherein the Aikens court said:

"But it is symbolic of the changes wrought by time that this dispute is being resolved by means of civilized debate in a Court of law, rather than recourse to the violence and recrimination which characterized labor relations in the recent past." Id. at 437

It appears, then, that the court in Columbus did not sufficiently take into consideration the public policy embodied in the Act encouraging peaceful settlement of labor disputes. The First Circuit, in N.L.R.B. v. Massachusetts Nurses Association, supra, also adopted the view that collective bargaining involves a hostile encounter between adversaries.<sup>10/</sup>

The rather harsh statements of the First Circuit and the position taken by the Fifth Circuit run contrary to the policy of the Act and the Supreme Court's decisions on labor relations. See Section 201 of the Act, United Steelworkers of America v. Warrior & Gulf Navigation Co., supra; United Steelworkers of

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<sup>10/</sup> In N.L.R.B. v. Massachusetts Nurses Association, supra, at fn 7, the First Circuit employs the following language: "We will find no congressional intent to permit a willing to give up a fight on some proper issues of collective bargaining, to insist that his adversary do battle over making the surrender mutual. (Emphasis provided)"



America v. American Mfg. Co., supra; United Steelworkers of America v. Enterprise Wheel and Car Corp., supra; John Wiley & Sons, Inc. v. Livingston, supra.

Though not squarely dealing with the issue at hand, the Sixth Circuit in Chattanooga Mailers v. Chattanooga News-Free Press, 524 F. 2d 1305 (6th Cir. 1975) approached the issue of interest arbitration in a more modern fashion. The opinion outlines the policy of the Act in encouraging peaceful settlement of labor disputes and cites numerous Supreme Court opinions supporting this view. Also, the court cites Aikens v. Abel, supra, in support of its position and includes the full quote on the right to strike and not the selective one included by the Fifth Circuit. Id. at 1315. In further buttressing its opinion that federal labor policy encourages interest arbitration, the court significantly cites with approval the dissenting opinion of Chairman Betty Murphy in Columbus Printing Pressmen, supra. Id. at 1315.

It should be noted by the Court that there is a distinction to be made between interest arbitration and compulsory arbitration. While it was not Congress' intent to include governmentally imposed binding arbitration in the legislation, there is no stated opposition to interest arbitration. For the reasons stated herein, there is ample authority to support the conclusion that interest arbitration is within the intent of the Act.

The contention has been raised that interest arbitration is a self-perpetuating concept. This contention appeared to



disturb the court in N.L.R.B. v. Columbus Printing Pressmen.

However, this fear is not a valid one.

This same contention was advanced in Winston-Salem Printing Pressmen v. Piedmont Publishing Co., 393 F. 2d 221,226-27(4th Cir. 1968) Judge Sobeloff, speaking for the Court, had this to say:

"The Company argues that if courts enforce this type of arbitration 'there would never be and there could never be an end to this contract.' The Company, professing solicitude for the employees vis-a-vis the Union, further insists that under the District Court's ruling, 'the printing and pressmen employees of the Company are bound to this Union with hoops of steel which deprive them forever of the right to terminate this Union as their bargaining representative.'" Neither argument is persuasive nor do they together outweigh what we conceive to be the national labor policy of strictly enforcing collective bargaining agreements and thereby compelling the parties to resolve peacefully all labor disputes by their previously agreed method.

Contrary to the Company's assertions, the contract will surely end when both parties agree to terminate it and in some instances when either of the original signatories is removed from the scene. See John Wiley & Sons, Inc. v. Livingston, supra at 551-555, 84 S. Ct. 909; Cox and Bok, Cases and Materials on Labor Law, 314-317 (tth ed. 1965). Then too, as the material referred to in Cox and Bok indicates, the employees are not bound "with hoops of steel" but can, upon the filing of a timely petition within the guidelines of the "contract bar rules", designate a new bargaining representative.

The second point is, we believe, the more significant of the two. As long as employees retain their full freedom to choose or dismiss their bargaining representative, it is immaterial that the contract might be of indeterminate duration - if that is what the parties bargained for."

In the dissenting opinion of Chairman Murphy in the Columbus case, she expressed the conclusion that:

"The provision for the continuing effectiveness of established contract terms throughout the negotiation period for renewal thereof and the assurance of continued employment to workers and uninterrupted production to the employer are the very essence of the bargaining relationship and the protection of employer-employee interests." 219 NLRB No. 54 at 26.

An interest arbitration clause is designed to assure industrial peace. To be precise, it provides employees with job security. That an interest arbitration clause should be held to be a mandatory subject of bargaining is amply supported by the statutory, practical, industry practice and national labor policy points of view. A holding to the contrary would subvert the policy of the Act and inhibit progress in industrial relations.

Thus, SMACNA respectfully requests that the Court not enforce the order of the Board and hold that interest arbitration is a mandatory subject of bargaining under the Act.



III. THERE WAS NO RESTRAINT OR COERCION  
OF THE COMPANY IN VIOLATION OF SECTION  
8(b)(1)(B) OF THE ACT

It is clear that Section 8(b)(1)(B) bars attempts by labor organizations "to restrain or coerce" employees in selecting their representatives in collective bargaining. Nevertheless, even assuming, arguendo, that Local 38 violated Section 8(b)(3), it does not follow that there was an 8(b)(1)(B) violation.

In Sheet Metal Workers, Local 80, 161 NLRB 229, 235 (1966), the Board made the following statement:

"...mere insistence is not to be equated with the restraint and coercion required by the statute to establish an 8(b)(1)(B) violation."

It appears from the facts that Local 38 did invoke the interest arbitration clause and insist that the NJAB resolve the dispute. However, this is not tantamount to "restraint or coercion".

It must be emphasized that the National Joint Adjustment Board does not sit as a super-collective bargaining board representing the respective parties in a dispute. To be sure, there are equal representatives of labor and management who sit on the NJAB. However, the NJAB functions as a quasi-judicial arbitration panel. The members of the NJAB are not subject to instruction with regard to the issues presented to them.

Each member acts independently, and it requires a

unanimous decision of the NJAB before any decision can be binding on the parties. In other words, none of the members of the NJAB served as collective bargaining representative for either Local 38 or Elmsford Sheet Metal Works.

Thus, there is no evidence of "restraint or coercion" under Section 8(b)(1)(B) as the standard of Sheet Metal Workers, Local 80, supra, has not been met and the NJAB is not a collective bargaining representative for either party.

CONCLUSION

For the foregoing reasons, we respectfully request that the Court deny the Board's petition for enforcement of its order.

Respectfully submitted,

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Counsel for The Sheet Metal and  
Air Conditioning Contractors National  
Association



# A P P E N D I X

|             |                                                   |      |
|-------------|---------------------------------------------------|------|
| Exhibit A - | Sheet Metal Industry Fund Balance Sheet           | 1975 |
| Exhibit B - | Sheet Metal Industry Fund Statement of Operations | 1975 |
| Exhibit C - | Sheet Metal Industry Fund Balance Sheet           | 1976 |
| Exhibit D - | Sheet Metal Industry Fund Statement of Income     | 1976 |
| Exhibit E - | Sheet Metal Industry Fund Balance Sheet           | 1977 |
| Exhibit F - | Sheet Metal Industry Fund Statement of Income     | 1977 |

## STATISTICS SUPPLIED BY BUREAU OF LABOR STATISTICS

### (Unemployment)

|             |                                                                                  |  |
|-------------|----------------------------------------------------------------------------------|--|
| Exhibit G - | Unemployed Private Wage and Salary Workers Construction Industries               |  |
| Exhibit H - | Unemployment Rate Private Wage and Salary Workers Construction (quarterly)       |  |
| Exhibit I - | Unemployment Rate Private Wage and Salary Workers Construction (monthly)         |  |
| Exhibit J - | Unemployment Rate Private Wage and Salary Workers Construction - 1977 unadjusted |  |
| Exhibit K - | Major unemployment indicators, seasonally adjusted 1976-77                       |  |

### (Work Stoppages)

|             |                                                    |         |
|-------------|----------------------------------------------------|---------|
| Exhibit L - | Table 14, Work Stoppages by industry,              | 1974    |
| Exhibit M - | Table 14, Work Stoppages by industry,              | 1975    |
| Exhibit N - | Table 3, Percent distribution of work Stoppages by | 1975-76 |

THE SHEET METAL INDUSTRY FUND OF WESTCHESTER AND VICINITY

BALANCE SHEET

AS OF JUNE 30, 1975

ASSETS

Current Assets:

|                         |             |
|-------------------------|-------------|
| Wells - Savings Account |             |
| Wellskill Savings Bank  | \$ 9,138.27 |
| Wells Savings Bank      | 22,471.43   |
| Cash - Checking Account |             |
| County Trust Company    | 369.16      |

Total Assets

\$31,978.86

LIABILITIES AND NET WORTH

Current Liabilities:

|                  |             |
|------------------|-------------|
| Accounts payable | \$ 1,759.33 |
|------------------|-------------|

Net Worth:

|                                         |             |
|-----------------------------------------|-------------|
| Balance - July 1, 1974                  | \$23,719.09 |
| Add: Net Income for year<br>(Exhibit B) | 6,501.44    |

Total Net Worth

\$30,219.53

Total Liabilities And Net Worth

\$31,978.86



## Exhibit B

THE SHEET METAL INDUSTRY FUND OF WESTCHESTER AND VICINITYSTATEMENT OF OPERATIONSYEAR ENDING JUNE 30, 1975Income:

|                 |                 |              |
|-----------------|-----------------|--------------|
| Dues Received   | \$119,688.15    |              |
| Interest Income | <u>1,723.41</u> |              |
| Total Income    |                 | \$121,411.56 |

Expenses:

|                                                                                            |                 |             |
|--------------------------------------------------------------------------------------------|-----------------|-------------|
| Administrative                                                                             |                 |             |
| Trustees Fees                                                                              | 4,000.00        |             |
| Administration (Editing, catalog<br>distribution, special meetings,<br>salaries, expenses) | 27,991.15       |             |
| Telephone                                                                                  | 1,052.18        |             |
| Answering Service                                                                          | 444.00          |             |
| Professional Fees                                                                          | 2,003.00        |             |
| Insurance                                                                                  | 1,055.72        |             |
| Rent                                                                                       | 2,350.50        |             |
| Publication                                                                                | 3,325.96        |             |
| Dues to Other Organizations                                                                | 15,554.84       |             |
| Office Expenses                                                                            | <u>4,077.36</u> |             |
| Total Administrative                                                                       |                 | \$61,854.85 |

|                           |                  |  |
|---------------------------|------------------|--|
| Public Relations Expenses |                  |  |
| Public Relations          | 1,654.16         |  |
| Educational Expenses      | 35,196.55        |  |
| Meetings and Conventions  | <u>16,204.56</u> |  |

|                        |                    |  |
|------------------------|--------------------|--|
| Total Public Relations | <u>\$53,055.27</u> |  |
|------------------------|--------------------|--|

|                |  |                   |
|----------------|--|-------------------|
| TOTAL EXPENSES |  | <u>114,910.12</u> |
|----------------|--|-------------------|

|                     |  |                           |
|---------------------|--|---------------------------|
| Net Income for Year |  | <u><u>\$ 6,501.44</u></u> |
|---------------------|--|---------------------------|

EXHIBIT C

SHEET METAL CONTRACTORS INDUSTRY FUND  
OF SOUTHEASTERN N.Y.

BALANCE SHEET  
JUNE 30, 1976

---

ASSETS

CURRENT ASSETS:

|                                               |                 |
|-----------------------------------------------|-----------------|
| Cash-Savings Account - Peekskill Savings Bank | \$12,157.31     |
| Cash-Savings Account - Home Savings Bank      | 15,624.54       |
| Cash-Savings Account - Peekskill Savings Bank | 9.41            |
| Cash-Checking Account- Bank of New York       | <u>1,879.67</u> |

|                      |                    |
|----------------------|--------------------|
| Total current assets | <u>\$29,670.93</u> |
|----------------------|--------------------|

LIABILITIES AND NET WORTH

CURRENT LIABILITIES:

|                  |             |
|------------------|-------------|
| Accounts payable | \$ 1,598.51 |
|------------------|-------------|

NET WORTH

|                                                                         |                  |
|-------------------------------------------------------------------------|------------------|
| Balance -July 1, 1975                                                   | 0                |
| Equity transferred from Sheet Metal Industry Fund of Westchester & Vic. | \$30,219.53      |
| Less: Disbursements in excess of receipts (Exhibit B)                   | <u>2,147.11</u>  |
|                                                                         | <u>28,072.42</u> |

|                                 |                    |
|---------------------------------|--------------------|
| Total Liabilities and Net Worth | <u>\$29,670.93</u> |
|---------------------------------|--------------------|



EXHIBIT D

SHEET METAL CONTRACTORS INDUSTRY FUND  
OF SOUTHEASTERN N.Y.

STATEMENT OF INCOME  
YEAR ENDING JUNE 30, 1976

---

INCOME:

|                 |                 |             |
|-----------------|-----------------|-------------|
| Dues received   | \$92,285.43     |             |
| Interest Income | <u>1,496.13</u> | \$93,781.56 |

EXPENSES:

Administrative Expenses:

|                                                                                                     |                 |             |
|-----------------------------------------------------------------------------------------------------|-----------------|-------------|
| Trustees Fees                                                                                       | \$ 1,450.00     |             |
| Administration (Editing,<br>catalogue distribution,<br>special meetings, salaries,<br>and expenses) | 28,917.95       |             |
| Telephone                                                                                           | 1,294.91        |             |
| Answering Service                                                                                   | 444.00          |             |
| Professional Fees                                                                                   | 2,451.80        |             |
| Insurance                                                                                           | 1,916.00        |             |
| Rent                                                                                                | 2,640.00        |             |
| Publications                                                                                        | 3,652.63        |             |
| Dues to organizations                                                                               | 11,638.84       |             |
| Office Expenses                                                                                     | <u>1,941.48</u> |             |
| Total Administrative Expense                                                                        |                 | \$56,347.61 |

Public Relations Expenses:

|                                                                                                                                 |                  |                  |
|---------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|
| Public Relations                                                                                                                | \$ 1,734.17      |                  |
| Educational Expenses<br>(contributions to Joint<br>Apprentice Committee,<br>reimbursement for Welding<br>and Sketching courses) | 25,106.75        |                  |
| Meetings & Conventions                                                                                                          | <u>12,740.14</u> |                  |
| Total Public Relations Expense                                                                                                  |                  | <u>39,581.06</u> |

|                                |                    |
|--------------------------------|--------------------|
| Total Expenses                 | <u>95,928.67</u>   |
| Expenses in Excess of Receipts | <u>\$ 2,147.11</u> |

EXHIBIT E

THE SHEET METAL CONTRACTORS INDUSTRY FUND  
OF SOUTHEASTERN NEW YORK

BALANCE SHEET  
AS OF JUNE 30, 1977

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ASSETS

CURRENT ASSETS:

|                                                 |                 |                     |
|-------------------------------------------------|-----------------|---------------------|
| Cash - Savings Account - Peekskill Savings Bank | \$ 5,158.00     |                     |
| Cash - Savings Account - Home Savings Bank      | 16,478.70       |                     |
| Cash - Savings Account - Peekskill Savings Bank | 10.33           |                     |
| Cash - Checking Account - The Bank of New York  | <u>1,178.34</u> |                     |
| Total Current Assets                            |                 | <u>\$ 22,825.37</u> |

LIABILITIES AND NET WORTH

CURRENT LIABILITIES:

|                  |             |
|------------------|-------------|
| Accounts Payable | \$ 2,460.61 |
|------------------|-------------|

NET WORTH:

|                                                     |                     |                     |
|-----------------------------------------------------|---------------------|---------------------|
| Balance - June 1, 1976                              | \$ 28,072.42        |                     |
| Less: Expenses in excess of receipts<br>(Exhibit B) | <u>( 7,707.66 )</u> |                     |
| Balance - June 30, 1977                             |                     | <u>20,364.76</u>    |
| Total Liabilities and Net Worth                     |                     | <u>\$ 22,825.37</u> |



EXHIBIT F

THE SHEET METAL CONTRACTORS INDUSTRY FUND  
OF SOUTHEASTERN NEW YORK

STATEMENT OF INCOME

FOR THE YEAR ENDED JUNE 30, 1977

INCOME:

|                                 |                 |              |
|---------------------------------|-----------------|--------------|
| Employer Contributions Received | \$ 113,303.93   |              |
| Interest Income                 | <u>1,154.84</u> |              |
| Total Income                    |                 | \$114,455.77 |

EXPENSES:

Administrative Expenses:

|                              |              |              |
|------------------------------|--------------|--------------|
| Trustee Fees                 | \$ 4,050.00  |              |
| Administration Fees          | 37,848.72    |              |
| Telephone                    | 1,182.79     |              |
| Answering Service            | 444.00       |              |
| Professional Fees            | 3,210.00     |              |
| Insurance                    | 1,360.61     |              |
| Rent                         | 2,300.00     |              |
| Office Supplies              | 444.70       |              |
| Equipment Rental             | 601.43       |              |
| Postage                      | 582.76       |              |
| Periodicals                  | 434.80       |              |
| Dues to organizations        | 15,365.48    |              |
| Other expenses               | <u>30.00</u> |              |
| Total Administrative Expense |              | \$ 67,855.29 |

Public Relations Expenses:

|                                    |                  |                  |
|------------------------------------|------------------|------------------|
| Public Relations                   | 4,475.29         |                  |
| Educational Expenses-contributions |                  |                  |
| to Joint Apprentice Committee,     |                  |                  |
| reimbursement for Welding and      |                  |                  |
| Sketching Courses                  | 37,897.78        |                  |
| Meetings and Conventions           | <u>11,935.07</u> |                  |
| Total Public Relations Expense     |                  | <u>54,308.14</u> |

|                |                   |
|----------------|-------------------|
| Total Expenses | <u>122,163.43</u> |
|----------------|-------------------|

|                                |                    |
|--------------------------------|--------------------|
| Expenses in Excess of Receipts | <u>\$ 7,707.66</u> |
|--------------------------------|--------------------|



UNEMPLOYED PRIVATE WAGE AND SALARY WORKERS CONSTRUCTION INDUSTRIES

|                     | FIRST QUARTER | SECOND QUARTER | THIRD QUARTER | FOURTH QUARTER | ANNUAL AVERAGE |
|---------------------|---------------|----------------|---------------|----------------|----------------|
| ORIGINAL            |               |                |               |                |                |
| 1948.....           | 331           | 208            | 181           | 207            | 232            |
| 1949.....           | 462           | 346            | 342           | 369            | 380            |
| 1950.....           | 602           | 356            | 240           | 212            | 349            |
| 1951.....           | 349           | 169            | 177           | 176            | 218            |
| 1952.....           | 337           | 215            | 166           | 155            | 218            |
| 1953.....           | 303           | 199            | 184           | 216            | 227            |
| 1954.....           | 405           | 347            | 311           | 341            | 366            |
| 1955.....           | 511           | 317            | 220           | 290            | 337            |
| 1956.....           | 478           | 271            | 214           | 200            | 313            |
| 1957.....           | 481           | 312            | 250           | 354            | 349            |
| 1958.....           | 714           | 509            | 420           | 450            | 523            |
| 1959.....           | 763           | 398            | 318           | 386            | 466            |
| 1960.....           | 664           | 404            | 325           | 408            | 463            |
| 1961.....           | 803           | 554            | 399           | 419            | 544            |
| 1962.....           | 712           | 442            | 290           | 416            | 466            |
| 1963.....           | 740           | 403            | 266           | 395            | 456            |
| 1964.....           | 591           | 345            | 275           | 347            | 390            |
| 1965.....           | 592           | 334            | 262           | 268            | 364            |
| 1966.....           | 422           | 249            | 191           | 283            | 296            |
| 1967.....           | 300           | 250            | 161           | 225            | 257            |
| 1968.....           | 415           | 211            | 160           | 200            | 247            |
| 1969.....           | 328           | 188            | 175           | 211            | 228            |
| 1970.....           | 452           | 354            | 335           | 378            | 330            |
| 1971.....           | 681           | 373            | 298           | 383            | 426            |
| 1972.....           | 645           | 418            | 333           | 384            | 446            |
| 1973.....           | 574           | 369            | 314           | 351            | 402            |
| 1974.....           | 509           | 416            | 376           | 553            | 479            |
| 1975.....           | 996           | 841            | 677           | 600            | 798            |
| SEASONALLY ADJUSTED |               |                |               |                |                |
| 1948.....           | 224           | 220            | 230           | 281            | -              |
| 1949.....           | 314           | 374            | 434           | 459            | -              |
| 1950.....           | 406           | 354            | 306           | 266            | -              |
| 1951.....           | 236           | 181            | 228           | 222            | -              |
| 1952.....           | 229           | 227            | 216           | 191            | -              |
| 1953.....           | 210           | 209            | 242           | 261            | -              |
| 1954.....           | 310           | 413            | 415           | 419            | -              |
| 1955.....           | 348           | 330            | 300           | 357            | -              |
| 1956.....           | 324           | 290            | 296           | 334            | -              |
| 1957.....           | 317           | 329            | 351           | 402            | -              |
| 1958.....           | 404           | 543            | 591           | 521            | -              |
| 1959.....           | 516           | 428            | 452           | 451            | -              |
| 1960.....           | 450           | 435            | 462           | 510            | -              |
| 1961.....           | 539           | 604            | 569           | 470            | -              |
| 1962.....           | 478           | 484            | 414           | 458            | -              |
| 1963.....           | 496           | 441            | 410           | 435            | -              |
| 1964.....           | 376           | 383            | 398           | 332            | -              |
| 1965.....           | 326           | 372            | 376           | 297            | -              |
| 1966.....           | 233           | 276            | 272           | 311            | -              |
| 1967.....           | 257           | 273            | 221           | 267            | -              |
| 1968.....           | 274           | 233            | 219           | 237            | -              |
| 1969.....           | 210           | 203            | 240           | 250            | -              |
| 1970.....           | 303           | 394            | 451           | 438            | -              |
| 1971.....           | 443           | 408            | 394           | 435            | -              |
| 1972.....           | 447           | 446            | 446           | 436            | -              |
| 1973.....           | 404           | 391            | 412           | 357            | -              |
| 1974.....           | 406           | 430            | 493           | 511            | -              |
| 1975.....           | 716           | 688            | 866           | 770            | -              |

EXHIBIT G



UNEMPLOYMENT RATE PRIVATE WAGE AND SALARY WORKERS CONSTRUCTION

|                     | FIRST QUARTER | SECOND QUARTER | THIRD QUARTER | FOURTH QUARTER | ANNUAL AVERAGE |
|---------------------|---------------|----------------|---------------|----------------|----------------|
| ORIGINAL            |               |                |               |                |                |
| 1967.....           | 12.0          | 7.2            | 4.3           | 6.3            | 7.4            |
| 1968.....           | 12.4          | 5.9            | 4.2           | 5.5            | 6.9            |
| 1969.....           | 9.3           | 5.0            | 4.4           | 5.6            | 6.0            |
| 1970.....           | 12.2          | 9.0            | 8.2           | 9.7            | 9.7            |
| 1971.....           | 17.0          | 9.3            | 6.9           | 9.1            | 10.4           |
| 1972.....           | 15.6          | 9.7            | 7.4           | 8.8            | 10.3           |
| 1973.....           | 13.6          | 8.1            | 6.5           | 7.7            | 8.8            |
| 1974.....           | 13.0          | 9.2            | 8.1           | 12.3           | 10.6           |
| 1975.....           | 23.5          | 19.3           | 14.7          | 15.5           | 18.1           |
| 1976.....           | 22.2          | 14.8           | 12.5          | 13.2           | 15.6           |
| SEASONALLY ADJUSTED |               |                |               |                |                |
| 1967.....           | 7.5           | 7.9            | 6.3           | 7.4            | -              |
| 1968.....           | 7.8           | 6.5            | 6.1           | 6.5            | -              |
| 1969.....           | 5.8           | 5.5            | 6.4           | 6.6            | -              |
| 1970.....           | 7.8           | 10.0           | 11.4          | 11.1           | -              |
| 1971.....           | 11.2          | 10.1           | 9.6           | 10.3           | -              |
| 1972.....           | 10.4          | 10.4           | 10.2          | 9.9            | -              |
| 1973.....           | 9.2           | 8.6            | 8.8           | 8.7            | -              |
| 1974.....           | 8.9           | 9.7            | 10.9          | 13.6           | -              |
| 1975.....           | 16.8          | 20.1           | 19.1          | 17.5           | -              |
| 1976.....           | 15.8          | 15.3           | 16.4          | 14.9           | -              |

EXHIBIT H

# U.S. Department of Labor

EXHIBIT J



Bureau Of Labor Statistics  
230 South Dearborn Street  
Chicago, Illinois 60604

Thank you for your recent request. It has been handled as indicated below. Please let us know if we can be of further service.

1. The material you requested
  - ( ) is enclosed.
  - ( ) is being mailed separately.
  - ( ) is out of print. Reference copies are available at our office and many libraries.
  - ( ) is not a Bureau of Labor Statistics publication.
  - ( ) will be sent as soon as it becomes available.
  - ( ) is available for purchase from this office at the price indicated.
2. Your name has been added to the mailing list.
3. Payment must accompany all sales orders. Make checks payable to the Superintendent of Documents. GPO coupons and deposit account orders are also accepted.
4. We are unable to provide publications in the quantity requested due to our limited supply.
5. Your inquiry has been referred to:
6. Unemployment rate for private wage and salary workers --Construction Industry - Unadjusted:

|           |       |
|-----------|-------|
| 1977 Jan. | 21.3% |
| Feb.      | 22.1  |
| Mar.      | 19.1  |
| Apr.      | 14.0  |
| May       | 11.8  |
| June      | 10.5  |
| July      | 9.4   |
| Aug.      | 8.3   |
| Sept.     | 7.8   |
| Oct.      | 9.0   |
| Nov.      | 9.8   |



# HOUSEHOLD DATA SEASONALLY ADJUSTED

## EXHIBIT K

### A-36. Major unemployment indicators, seasonally adjusted

[Unemployment rates]

| Selected categories                                          | 1976 |      | 1977 |      |      |      |      |      |      |      |       |      |      |
|--------------------------------------------------------------|------|------|------|------|------|------|------|------|------|------|-------|------|------|
|                                                              | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May  | June | July | Aug. | Sept. | Oct. | Nov. |
| <b>Characteristics</b>                                       |      |      |      |      |      |      |      |      |      |      |       |      |      |
| Total (all civilian workers)                                 | 8.0  | 7.8  | 7.3  | 7.5  | 7.3  | 7.0  | 6.9  | 7.1  | 6.9  | 7.1  | 6.9   | 7.0  | 6.9  |
| Males, 20 years and over                                     | 6.3  | 6.2  | 5.6  | 5.8  | 5.4  | 5.0  | 5.3  | 5.0  | 5.1  | 5.2  | 4.9   | 5.3  | 4.9  |
| Females, 20 years and over                                   | 7.6  | 7.4  | 6.9  | 7.2  | 7.2  | 7.0  | 6.6  | 7.2  | 6.9  | 7.1  | 7.0   | 6.8  | 7.1  |
| Both sexes, 15-19 years                                      | 19.2 | 19.0 | 18.7 | 18.5 | 18.8 | 17.8 | 17.9 | 18.6 | 17.4 | 17.5 | 18.1  | 17.3 | 17.1 |
| White                                                        | 7.3  | 7.1  | 6.7  | 6.7  | 6.6  | 6.3  | 6.2  | 6.3  | 6.1  | 6.1  | 6.1   | 6.1  | 6.0  |
| Black and other                                              | 13.5 | 13.4 | 12.5 | 13.1 | 12.7 | 12.3 | 12.9 | 13.2 | 13.2 | 14.5 | 13.1  | 13.9 | 13.8 |
| Household heads                                              | 5.3  | 5.1  | 4.8  | 4.9  | 4.6  | 4.4  | 4.5  | 4.3  | 4.3  | 4.6  | 4.5   | 4.6  | 4.3  |
| Married men                                                  | 4.5  | 4.3  | 3.8  | 4.1  | 3.7  | 3.6  | 3.6  | 3.4  | 3.4  | 3.5  | 3.4   | 3.7  | 3.4  |
| Full-time workers                                            | 7.6  | 7.5  | 6.7  | 6.9  | 6.7  | 6.5  | 6.5  | 6.5  | 6.5  | 6.8  | 6.5   | 6.6  | 6.4  |
| Part-time workers                                            | 10.5 | 9.8  | 10.2 | 10.7 | 11.1 | 9.9  | 9.9  | 10.7 | 9.2  | 8.9  | 9.5   | 9.7  | 9.6  |
| Unemployed 15 weeks and over <sup>1</sup>                    | 2.6  | 2.6  | 2.4  | 2.3  | 2.0  | 1.9  | 1.9  | 1.8  | 1.9  | 1.9  | 1.9   | 1.9  | 2.0  |
| Labor force time lost <sup>2</sup>                           | 8.6  | 8.4  | 8.0  | 7.9  | 7.8  | 7.4  | 7.5  | 7.5  | 7.4  | 7.7  | 7.4   | 7.5  | 7.5  |
| <b>OCCUPATION</b>                                            |      |      |      |      |      |      |      |      |      |      |       |      |      |
| White-collar workers                                         | 4.7  | 4.5  | 4.5  | 4.6  | 4.7  | 4.4  | 4.3  | 4.2  | 4.0  | 4.2  | 4.2   | 4.1  | 4.3  |
| Professional and technical                                   | 3.4  | 3.3  | 3.3  | 3.3  | 3.1  | 3.2  | 2.5  | 3.0  | 2.8  | 3.0  | 3.0   | 3.0  | 3.0  |
| Managers and administrators, except farm                     | 3.1  | 3.1  | 3.0  | 2.8  | 3.4  | 2.9  | 2.8  | 2.7  | 2.6  | 2.5  | 2.5   | 2.6  | 3.0  |
| Sales workers                                                | 5.7  | 5.0  | 5.7  | 5.6  | 5.5  | 5.1  | 5.5  | 5.2  | 5.4  | 5.3  | 5.1   | 5.0  | 5.0  |
| Clerical workers                                             | 6.3  | 6.1  | 6.0  | 6.4  | 6.5  | 6.0  | 5.7  | 5.7  | 5.4  | 5.8  | 6.0   | 5.7  | 5.7  |
| Blue-collar workers                                          | 9.7  | 9.6  | 8.4  | 8.7  | 8.3  | 7.8  | 7.9  | 7.7  | 8.2  | 8.4  | 7.9   | 8.3  | 7.9  |
| Craft and kindred workers                                    | 7.0  | 7.0  | 6.1  | 6.5  | 6.0  | 4.9  | 5.6  | 5.6  | 5.6  | 5.5  | 5.2   | 5.5  | 5.3  |
| Operatives, except transport                                 | 11.3 | 11.0 | 9.2  | 9.6  | 9.2  | 9.3  | 8.9  | 9.4  | 10.1 | 10.0 | 10.2  | 10.7 | 9.7  |
| Transport equipment operatives                               | 8.2  | 8.1  | 7.2  | 7.7  | 6.9  | 6.0  | 6.7  | 5.7  | 7.5  | 7.6  | 5.7   | 6.5  | 5.4  |
| Nonfarm laborers                                             | 13.5 | 13.9 | 12.9 | 12.8 | 13.2 | 12.6 | 12.5 | 10.9 | 10.7 | 12.6 | 11.1  | 12.2 | 12.3 |
| Service workers                                              | 9.3  | 9.0  | 8.6  | 8.4  | 7.9  | 8.1  | 9.0  | 8.2  | 7.7  | 8.4  | 7.8   | 8.3  | 7.8  |
| Farm workers                                                 | 5.1  | 6.1  | 4.8  | 6.7  | 5.4  | 4.8  | 4.4  | 4.8  | 3.8  | 3.7  | 4.7   | 4.3  | 4.1  |
| <b>INDUSTRY</b>                                              |      |      |      |      |      |      |      |      |      |      |       |      |      |
| Nonagricultural private wage and salary workers <sup>3</sup> | 8.2  | 7.9  | 7.4  | 7.6  | 7.4  | 7.0  | 7.1  | 6.9  | 6.8  | 7.0  | 6.9   | 7.1  | 6.9  |
| Construction                                                 | 15.4 | 14.1 | 14.9 | 15.2 | 14.2 | 12.0 | 13.0 | 12.6 | 12.1 | 11.5 | 10.4  | 12.2 | 11.3 |
| Manufacturing                                                | 8.2  | 8.2  | 6.9  | 7.1  | 6.6  | 6.7  | 6.2  | 6.3  | 6.7  | 7.0  | 7.2   | 7.0  | 6.8  |
| Durable goods                                                | 7.7  | 8.0  | 6.5  | 7.0  | 6.6  | 6.0  | 5.7  | 5.6  | 6.1  | 6.5  | 6.8   | 6.3  | 6.3  |
| Non-durable goods                                            | 8.9  | 8.6  | 7.4  | 7.3  | 7.3  | 7.7  | 7.0  | 7.3  | 7.6  | 7.7  | 8.2   | 8.1  | 7.5  |
| Transportation and public utilities                          | 5.7  | 5.2  | 4.7  | 4.6  | 5.1  | 4.4  | 4.3  | 4.1  | 4.7  | 4.3  | 5.0   | 5.0  | 4.7  |
| Wholesale and retail trade                                   | 9.0  | 8.2  | 8.4  | 8.7  | 8.4  | 7.8  | 8.3  | 7.9  | 7.7  | 8.3  | 7.6   | 8.1  | 7.5  |
| Finance and service industries                               | 6.8  | 6.8  | 6.2  | 6.2  | 6.4  | 6.1  | 6.6  | 6.0  | 5.7  | 5.6  | 5.7   | 5.9  | 6.1  |
| Government workers                                           | 4.3  | 4.4  | 4.3  | 4.5  | 4.0  | 4.0  | 4.1  | 4.2  | 3.9  | 4.4  | 4.0   | 4.1  | 4.4  |
| Agricultural wage and salary workers                         | 13.2 | 14.0 | 12.6 | 13.4 | 13.2 | 12.3 | 11.5 | 11.0 | 9.7  | 9.3  | 10.4  | 10.4 | 9.1  |

<sup>1</sup> Unemployment as a percent of civilian labor force.

as a percent of potentially available labor force hours.

<sup>2</sup> Aggregate hours lost by the unemployed and persons on part-time for economic reasons

<sup>3</sup> Includes mining, not shown separately.

### A-37. Unemployed persons by duration of unemployment, seasonally adjusted

[Numbers in thousands]

| Weeks of unemployment             | 1976  |       | 1977  |       |       |       |       |       |       |       |       |       |       |
|-----------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
|                                   | Nov.  | Dec.  | Jan.  | Feb.  | Mar.  | Apr.  | May   | June  | July  | Aug.  | Sept. | Oct.  | Nov.  |
| <b>Duration</b>                   |       |       |       |       |       |       |       |       |       |       |       |       |       |
| Less than 5 weeks                 | 2,759 | 2,765 | 2,762 | 2,804 | 3,005 | 3,100 | 2,782 | 3,058 | 2,839 | 2,876 | 2,789 | 2,890 | 2,844 |
| 5 to 14 weeks                     | 2,494 | 2,319 | 2,083 | 2,107 | 2,098 | 1,857 | 2,097 | 2,023 | 1,969 | 2,333 | 2,236 | 2,203 | 2,115 |
| 15 weeks and over                 | 2,517 | 2,514 | 2,283 | 2,182 | 1,923 | 1,816 | 1,177 | 1,737 | 1,834 | 1,808 | 1,865 | 1,862 | 1,933 |
| 15 to 26 weeks                    | 1,188 | 1,130 | 1,033 | 947   | 777   | 715   | 798   | 798   | 917   | 966   | 940   | 916   | 1,001 |
| 27 weeks and over                 | 1,329 | 1,384 | 1,245 | 1,235 | 1,146 | 1,101 | 1,379 | 939   | 917   | 842   | 926   | 946   | 930   |
| Average (mean) duration, in weeks | 15.5  | 15.6  | 15.5  | 14.7  | 14.0  | 14.3  | 14.9  | 14.4  | 14.1  | 13.5  | 14.2  | 13.8  | 13.8  |
| <b>Percent distribution</b>       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| Total unemployed                  | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| Less than 5 weeks                 | 33.5  | 36.4  | 38.7  | 39.5  | 47.8  | 45.8  | 41.5  | 44.9  | 42.7  | 40.9  | 40.5  | 41.5  | 41.3  |
| 5 to 14 weeks                     | 32.1  | 30.5  | 29.2  | 29.7  | 29.9  | 27.4  | 31.2  | 29.7  | 29.7  | 33.3  | 32.4  | 31.7  | 30.7  |
| 15 weeks and over                 | 32.4  | 33.1  | 32.0  | 30.8  | 27.4  | 26.8  | 27.4  | 25.5  | 27.6  | 25.8  | 27.1  | 26.8  | 28.0  |
| 15 to 26 weeks                    | 15.3  | 14.9  | 14.6  | 13.4  | 11.1  | 10.6  | 11.9  | 11.7  | 13.8  | 13.8  | 11.6  | 13.2  | 14.6  |
| 27 weeks and over                 | 17.1  | 18.2  | 17.5  | 17.4  | 16.3  | 16.3  | 15.4  | 13.8  | 13.8  | 12.0  | 13.4  | 13.6  | 13.5  |



Table 14. Work stoppages by industry, 1974—Continued  
(Workers and days idle in thousands)

EXHIBIT L

| INDUSTRY                                                                                                      | STOPPAGES BEGINNING IN YEAR |                              |                     | DAYS IDLE DURING YEAR<br>(ALL STOPPAGES) |                                                |
|---------------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------|---------------------|------------------------------------------|------------------------------------------------|
|                                                                                                               | NUMBER                      | MEAN<br>DURATION<br>(days)1/ | WORKERS<br>INVOLVED | NUMBER                                   | PERCENT OF<br>EST. TOTAL<br>WORKING<br>TIME 2/ |
| MANUFACTURING - CONTINUED                                                                                     |                             |                              |                     |                                          |                                                |
| CHEMICALS AND ALLIED PRODUCTS.....                                                                            | 156                         | 53.8                         | 41.5                | 1,599.8                                  | .60                                            |
| INDUSTRIAL INORGANIC AND ORGANIC CHEMICALS.....                                                               | 68                          | 78.2                         | 22.1                | 1,209.0                                  |                                                |
| PLASTICS MATERIALS AND SYNTHETIC RESINS,<br>SYNTHETIC RUBBER, AND OTHER MAN-MADE<br>FIBERS, EXCEPT GLASS..... | 23                          | 18.0                         | 6.8                 | 108.6                                    |                                                |
| DRUGS.....                                                                                                    | 8                           | 37.7                         | .9                  | 23.6                                     |                                                |
| SOAP, DETERGENTS, AND CLEANING<br>PREPARATIONS, PERFUMES, COSMETICS, AND<br>OTHER TOILET PREPARATIONS.....    | 18                          | 26.3                         | 5.6                 | 103.4                                    |                                                |
| PAINTS, VARNISHES, LACQUERS, ENAMELS, AND<br>ALLIED PRODUCTS.....                                             | 10                          | 25.4                         | 1.0                 | 16.9                                     |                                                |
| GUM AND WOOD CHEMICALS.....                                                                                   | 2                           | 57.7                         | .8                  | 30.8                                     |                                                |
| AGRICULTURAL CHEMICALS.....                                                                                   | 9                           | 48.2                         | 1.5                 | 49.9                                     |                                                |
| MISCELLANEOUS CHEMICAL PRODUCTS.....                                                                          | 19                          | 15.8                         | 2.9                 | 57.4                                     |                                                |
| PETROLEUM REFINING AND RELATED PRODUCTS.....                                                                  | 25                          | 36.9                         | 5.5                 | 148.1                                    | .30                                            |
| PETROLEUM REFINING.....                                                                                       | 10                          | 36.9                         | 3.4                 | 84.0                                     |                                                |
| PAVING AND ROOFING MATERIALS.....                                                                             | 15                          | 36.8                         | 2.1                 | 64.1                                     |                                                |
| MISCELLANEOUS PRODUCTS OF PETROLEUM AND<br>COAL.....                                                          | -                           | -                            | -                   | -                                        |                                                |
| RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS.....                                                               | 126                         | 32.5                         | 38.2                | 971.1                                    | .57                                            |
| TIRES AND INNER TUBES.....                                                                                    | 22                          | 18.6                         | 14.8                | 202.5                                    |                                                |
| RUBBER FOOTWEAR.....                                                                                          | 4                           | 22.1                         | 1.6                 | 24.4                                     |                                                |
| RECLAIMED RUBBER.....                                                                                         | -                           | -                            | -                   | -                                        |                                                |
| FABRICATED RUBBER PRODUCTS NOT ELSEWHERE<br>CLASSIFIED.....                                                   | 28                          | 58.1                         | 8.4                 | 391.5                                    |                                                |
| MISCELLANEOUS PLASTICS PRODUCTS.....                                                                          | 72                          | 34.0                         | 13.4                | 352.7                                    |                                                |
| LEATHER AND LEATHER PRODUCTS.....                                                                             | 15                          | 32.3                         | 6.0                 | 122.8                                    | .17                                            |
| LEATHER TANNING AND FINISHING.....                                                                            | 3                           | 101.3                        | .6                  | 40.5                                     |                                                |
| INDUSTRIAL LEATHER BELTING AND PACKING.....                                                                   | -                           | -                            | -                   | -                                        |                                                |
| BOOT AND SHOE CUT STOCK AND FINDINGS.....                                                                     | -                           | -                            | -                   | -                                        |                                                |
| FOOTWEAR, EXCEPT RUBBER.....                                                                                  | 9                           | 26.0                         | 5.1                 | 80.4                                     |                                                |
| LEATHER GLOVES AND BITTENS.....                                                                               | -                           | -                            | -                   | -                                        |                                                |
| LUGGAGE.....                                                                                                  | 2                           | 13.6                         | .2                  | 1.8                                      |                                                |
| HANDBAGS AND OTHER PERSONAL LEATHER GOODS.....                                                                | 1                           | 2.0                          | .1                  | .1                                       |                                                |
| LEATHER GOODS NOT ELSEWHERE CLASSIFIED.....                                                                   | -                           | -                            | -                   | -                                        |                                                |
| STONE, CLAY, AND GLASS PRODUCTS.....                                                                          | 167                         | 38.0                         | 35.3                | 1,003.4                                  | .58                                            |
| FLAT GLASS.....                                                                                               | 2                           | 11.7                         | .1                  | .8                                       |                                                |
| GLASS AND GLASSWARE, PRESSED OR BLOWN.....                                                                    | 17                          | 37.4                         | 12.3                | 345.5                                    |                                                |
| GLASS PRODUCTS, MADE FROM PURCHASED GLASS.....                                                                | 8                           | 80.9                         | .8                  | 44.6                                     |                                                |
| CEMENT, HYDRAULIC.....                                                                                        | 2                           | 2.2                          | .2                  | .4                                       |                                                |
| STRUCTURAL CLAY PRODUCTS.....                                                                                 | 15                          | 51.5                         | 1.5                 | 52.0                                     |                                                |
| POTTERY AND RELATED PRODUCTS.....                                                                             | 11                          | 22.6                         | 5.0                 | 83.3                                     |                                                |
| CONCRETE, GIPSUM, AND PLASTER PRODUCTS.....                                                                   | 84                          | 44.9                         | 11.2                | 359.4                                    |                                                |
| CUT STONE AND STONE PRODUCTS.....                                                                             | 3                           | 55.8                         | .2                  | 6.0                                      |                                                |
| ABRASIVES, ASBESTOS, AND MISCELLANEOUS<br>NONMETALLIC MINERAL PRODUCTS.....                                   | 25                          | 27.8                         | 4.2                 | 111.8                                    |                                                |
| PRIMARY METAL INDUSTRIES.....                                                                                 | 225                         | 25.9                         | 73.3                | 1,585.9                                  | .47                                            |
| BLAST FURNACES, STEEL WORKS, AND ROLLING<br>AND FINISHING MILLS.....                                          | 54                          | 38.8                         | 13.7                | 429.3                                    |                                                |
| IRON AND STEEL FOUNDRIES.....                                                                                 | 53                          | 21.8                         | 19.8                | 474.6                                    |                                                |
| PRIMARY SMELTING AND REFINING OF NONFERROUS<br>METALS.....                                                    | 9                           | 22.5                         | 16.5                | 269.7                                    |                                                |
| SECONDARY SMELTING AND REFINING OF<br>NONFERROUS METALS.....                                                  | 15                          | 43.4                         | 2.0                 | 59.9                                     |                                                |
| ROLLING, DRAWING, AND EXTRUDING OF<br>NONFERROUS METALS.....                                                  | 33                          | 20.1                         | 9.7                 | 183.3                                    |                                                |
| NONFERROUS FOUNDRIES.....                                                                                     | 33                          | 24.0                         | 5.7                 | 111.8                                    |                                                |
| MISCELLANEOUS PRIMARY METAL PRODUCTS.....                                                                     | 23                          | 26.4                         | 6.0                 | 117.3                                    |                                                |
| FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE,<br>MACHINERY, AND TRANSPORTATION EQUIPMENT.....                   | 423                         | 30.1                         | 87.6                | 2,101.9                                  | .56                                            |
| METAL CANS.....                                                                                               | 23                          | 16.7                         | 5.0                 | 90.8                                     |                                                |
| CUTLERY, HANDTOOLS, AND GENERAL HARDWARE.....                                                                 | 31                          | 44.4                         | 10.0                | 344.8                                    |                                                |
| HEATING APPARATUS (EXCEPT ELECTRIC) AND<br>PLUMBING FIXTURES.....                                             | 26                          | 37.7                         | 5.7                 | 162.5                                    |                                                |
| FABRICATED STRUCTURAL METAL PRODUCTS.....                                                                     | 193                         | 28.0                         | 37.3                | 896.5                                    |                                                |
| SCREW MACHINE PRODUCTS, BOLTS, NUTS,<br>SCREWS, AND RIVETS.....                                               | 21                          | 28.0                         | 3.0                 | 63.7                                     |                                                |
| METAL STAMPINGS.....                                                                                          | 36                          | 22.9                         | 5.9                 | 102.3                                    |                                                |
| COATING, ENGRAVING, AND ALLIED SERVICES.....                                                                  | 24                          | 25.7                         | 2.2                 | 42.9                                     |                                                |
| MISCELLANEOUS FABRICATED WIRE PRODUCTS.....                                                                   | 20                          | 26.9                         | 3.4                 | 65.0                                     |                                                |
| MISCELLANEOUS FABRICATED METAL PRODUCTS.....                                                                  | 52                          | 30.5                         | 15.3                | 333.5                                    |                                                |
| MACHINERY, EXCEPT ELECTRICAL.....                                                                             | 401                         | 23.9                         | 170.4               | 3,026.1                                  | .55                                            |
| ENGINES AND TURBINES.....                                                                                     | 20                          | 20.5                         | 26.0                | 378.6                                    |                                                |
| FARM MACHINERY AND EQUIPMENT.....                                                                             | 28                          | 33.8                         | 11.1                | 276.5                                    |                                                |
| CONSTRUCTION, MINING, AND MATERIALS<br>HANDLING MACHINERY AND EQUIPMENT.....                                  | 78                          | 20.8                         | 54.1                | 817.6                                    |                                                |
| METALWORKING MACHINERY AND EQUIPMENT.....                                                                     | 92                          | 34.8                         | 14.1                | 368.4                                    |                                                |
| SPECIAL INDUSTRY MACHINERY, EXCEPT<br>METALWORKING MACHINERY.....                                             | 49                          | 33.9                         | 12.0                | 299.0                                    |                                                |
| GENERAL INDUSTRIAL MACHINERY AND EQUIPMENT.....                                                               | 65                          | 24.6                         | 25.6                | 451.9                                    |                                                |
| OFFICE, COMPUTING, AND ACCOUNTING MACHINES.....                                                               | 2                           | 45.2                         | .1                  | 3.6                                      |                                                |
| SERVICE INDUSTRY MACHINES.....                                                                                | 40                          | 20.5                         | 16.4                | 310.4                                    |                                                |
| MISCELLANEOUS MACHINERY, EXCEPT ELECTRICAL.....                                                               | 29                          | 15.8                         | 11.0                | 120.1                                    |                                                |

SEE FOOTNOTES AT END OF TABLE.



Table 14. Work stoppages by industry, 1974--Continued

(Workers and days idle in thousands)

| INDUSTRY                                                                                                             | STOPPAGES BEGINNING IN YEAR |                               |                     | DAYS IDLE DURING YEAR<br>(ALL STOPPAGES) |                                                |
|----------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------|---------------------|------------------------------------------|------------------------------------------------|
|                                                                                                                      | NUMBER                      | MEAN<br>DURATION<br>(days) 1/ | WORKERS<br>INVOLVED | NUMBER                                   | PERCENT OF<br>EST. TOTAL<br>WORKING<br>TIME 2/ |
| <b>MANUFACTURING - CONTINUED</b>                                                                                     |                             |                               |                     |                                          |                                                |
| ELECTRICAL MACHINERY, EQUIPMENT, AND<br>SUPPLIES.....                                                                | 220                         | 26.5                          | 182.8               | 3,643.0                                  | .72                                            |
| ELECTRIC TRANSMISSION AND DISTRIBUTION<br>EQUIPMENT.....                                                             | 41                          | 31.3                          | 12.3                | 309.2                                    |                                                |
| ELECTRICAL INDUSTRIAL APPARATUS.....                                                                                 | 47                          | 24.4                          | 15.1                | 313.4                                    |                                                |
| HOUSEHOLD APPLIANCES.....                                                                                            | 21                          | 33.9                          | 39.0                | 925.1                                    |                                                |
| ELECTRIC LIGHTING AND WIRING EQUIPMENT.....                                                                          | 41                          | 16.6                          | 11.4                | 150.8                                    |                                                |
| RADIO AND TELEVISION RECEIVING SETS, EXCEPT<br>COMMUNICATION TYPES.....                                              | 7                           | 59.7                          | 4.5                 | 194.7                                    |                                                |
| COMMUNICATION EQUIPMENT.....                                                                                         | 16                          | 27.4                          | 69.6                | 1,420.0                                  |                                                |
| ELECTRONIC COMPONENTS AND ACCESSORIES.....                                                                           | 19                          | 24.7                          | 6.2                 | 107.8                                    |                                                |
| MISCELLANEOUS ELECTRICAL MACHINERY,<br>EQUIPMENT, AND SUPPLIES.....                                                  | 28                          | 11.6                          | 26.5                | 221.9                                    |                                                |
| TRANSPORTATION EQUIPMENT.....                                                                                        | 197                         | 28.6                          | 181.0               | 3,739.3                                  | .83                                            |
| MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT,<br>AIRCRAFT AND PARTS.....                                               | 112                         | 25.2                          | 127.2               | 2,311.7                                  |                                                |
| SHIP AND BOATBUILDING AND REPAIRING.....                                                                             | 27                          | 29.4                          | 16.8                | 370.0                                    |                                                |
| RAILROAD EQUIPMENT.....                                                                                              | 24                          | 38.7                          | 26.2                | 693.4                                    |                                                |
| MOTORCYCLES, BICYCLES, AND PARTS.....                                                                                | 13                          | 35.7                          | 5.9                 | 147.7                                    |                                                |
| MISCELLANEOUS TRANSPORTATION EQUIPMENT.....                                                                          | 2                           | 84.9                          | 2.0                 | 113.7                                    |                                                |
| PROFESSIONAL, SCIENTIFIC, AND CONTROLLING<br>INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL<br>GOODS; WATCHES AND CLOCKS..... | 20                          | 25.1                          | 3.3                 | 82.6                                     |                                                |
| ENGINEERING, LABORATORY, AND SCIENTIFIC AND<br>RESEARCH INSTRUMENTS AND ASSOCIATED<br>EQUIPMENT.....                 | 41                          | 14.5                          | 14.0                | 165.3                                    | .12                                            |
| INSTRUMENTS FOR MEASURING, CONTROLLING, AND<br>INDICATING PHYSICAL CHARACTERISTICS.....                              | 6                           | 21.3                          | .9                  | 15.9                                     |                                                |
| OPTICAL INSTRUMENTS AND LENSES.....                                                                                  | 16                          | 12.8                          | 7.7                 | 71.5                                     |                                                |
| SURGICAL, MEDICAL, AND DENTAL INSTRUMENTS<br>AND SUPPLIES.....                                                       | 2                           | 147.0                         | .1                  | 15.0                                     |                                                |
| OPHTHALMIC GOODS.....                                                                                                | 8                           | 19.7                          | 1.6                 | 27.3                                     |                                                |
| PHOTOGRAPHIC EQUIPMENT AND SUPPLIES.....                                                                             | 3                           | 10.7                          | .9                  | 9.6                                      |                                                |
| WATCHES, CLOCKS, CLOCKWORK OPERATED DEVICES<br>AND PARTS.....                                                        | 3                           | 20.2                          | 1.0                 | 13.7                                     |                                                |
| MISCELLANEOUS MANUFACTURING INDUSTRIES.....                                                                          | 3                           | 11.3                          | 1.7                 | 12.4                                     |                                                |
| JEWELRY, SILVERWARE, AND PLATED WARE.....                                                                            | 67                          | 25.0                          | 10.7                | 209.7                                    | .19                                            |
| MUSICAL INSTRUMENTS.....                                                                                             | 2                           | 1.0                           | .1                  | 3.7                                      |                                                |
| TOYS, AMUSEMENT, SPORTING AND ATHLETIC<br>GOODS.....                                                                 | 6                           | 26.0                          | 2.8                 | 52.2                                     |                                                |
| PENS, PENCILS, AND OTHER OFFICE AND<br>ARTISTS' MATERIALS.....                                                       | 14                          | 21.3                          | 1.8                 | 27.4                                     |                                                |
| COSTUME JEWELRY, COSTUME NOVELTIES,<br>BUTTONS, AND MISCELLANEOUS NOTIONS,<br>EXCEPT PRECIOUS METALS.....            | 10                          | 28.4                          | 2.1                 | 54.3                                     |                                                |
| MISCELLANEOUS MANUFACTURING INDUSTRIES.....                                                                          | 4                           | 27.9                          | .5                  | 10.0                                     |                                                |
| NONMANUFACTURING.....                                                                                                | 33                          | 25.1                          | 3.4                 | 62.0                                     |                                                |
| AGRICULTURE, FORESTRY, AND FISHERIES.....                                                                            | 2/3,253                     | 20.6                          | 1,632.4             | 24,392.1                                 | .17                                            |
| AGRICULTURAL PRODUCTION.....                                                                                         | 13                          | 31.0                          | 21.5                | 459.7                                    | .14                                            |
| AGRICULTURAL SERVICES AND HUNTING AND<br>TRAPPING.....                                                               | 10                          | 31.1                          | 21.3                | 455.6                                    |                                                |
| FORESTRY.....                                                                                                        | 2                           | 28.2                          | .2                  | 3.5                                      |                                                |
| FISHERIES.....                                                                                                       | -                           | -                             | -                   | -                                        |                                                |
| MINING.....                                                                                                          | 1                           | 17.0                          | .1                  | .6                                       |                                                |
| METAL MINING.....                                                                                                    | 1,050                       | 11.1                          | 501.3               | 4,061.0                                  | 2.43                                           |
| IRON ORES.....                                                                                                       | 15                          | 17.2                          | 34.5                | 437.9                                    |                                                |
| COPPER ORES.....                                                                                                     | 2                           | 11.9                          | 10.2                | 87.3                                     |                                                |
| LEAD AND ZINC ORES.....                                                                                              | 8                           | 20.4                          | 22.2                | 335.2                                    |                                                |
| GOLD AND SILVER ORES.....                                                                                            | 1                           | 10.0                          | 1.6                 | 11.2                                     |                                                |
| BAUXITE AND ALUMINUM ORES.....                                                                                       | 2                           | 6.9                           | .3                  | 1.7                                      |                                                |
| FERROALLOY ORES EXCEPT VANADIUM.....                                                                                 | -                           | -                             | -                   | -                                        |                                                |
| METAL MINING SERVICES.....                                                                                           | -                           | -                             | -                   | -                                        |                                                |
| MISCELLANEOUS METAL ORES.....                                                                                        | 2                           | 12.9                          | .3                  | 2.5                                      |                                                |
| ANTHRACITE MINING.....                                                                                               | -                           | -                             | -                   | -                                        |                                                |
| BITUMINOUS COAL AND LIGNITE.....                                                                                     | 996                         | 9.9                           | 459.9               | 3,310.1                                  |                                                |
| CRUDE PETROLEUM AND NATURAL GAS.....                                                                                 | 7                           | 84.7                          | 2.4                 | 143.8                                    |                                                |
| CRUDE PETROLEUM AND NATURAL GAS.....                                                                                 | 3                           | 12.0                          | .6                  | 20.6                                     |                                                |
| NATURAL GAS LIQUIDS.....                                                                                             | -                           | -                             | -                   | -                                        |                                                |
| OIL AND GAS FIELD SERVICES.....                                                                                      | 4                           | 94.3                          | 1.8                 | 123.1                                    |                                                |
| MINING AND QUARRYING OF NONMETALLIC<br>MINERALS, EXCEPT FUELS.....                                                   | 32                          | 57.2                          | 4.5                 | 169.1                                    |                                                |
| DIRECTION STONE.....                                                                                                 | 6                           | 62.1                          | .5                  | 20.8                                     |                                                |
| CRUSHED AND BROKEN STONE,<br>INCLUDING RIPRAP.....                                                                   | 8                           | 49.6                          | .6                  | 25.2                                     |                                                |
| SAND AND GRAVEL.....                                                                                                 | 9                           | 34.3                          | .5                  | 12.0                                     |                                                |
| CLAY, CERAMIC, AND REFRACTORY MINERALS.....                                                                          | 4                           | 24.1                          | .7                  | 12.2                                     |                                                |
| CHEMICAL AND FERTILIZER MINERAL MINING.....                                                                          | 2                           | 81.9                          | 1.6                 | 90.0                                     |                                                |
| NONMETALLIC MINERALS (EXCEPT FUELS)<br>SERVICES.....                                                                 | -                           | -                             | -                   | -                                        |                                                |
| MISCELLANEOUS NONMETALLIC MINERALS,<br>EXCEPT FUELS.....                                                             | 3                           | 22.4                          | .6                  | 8.9                                      |                                                |
| CONTRACT CONSTRUCTION.....                                                                                           | 688                         | 28.7                          | 629.8               | 12,721.0                                 | 1.27                                           |

SEE FOOTNOTES AT END OF TABLE.



Table 14. Work stoppages by industry, 1975—Continued

(WORKERS AND DAYS IDLE IN THOUSANDS)

| INDUSTRY                                                                                                      | STOPPAGES BEGINNING IN YEAR |                               |                     | DAYS IDLE DURING YEAR<br>(ALL STOPPAGES) |                                                |
|---------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------|---------------------|------------------------------------------|------------------------------------------------|
|                                                                                                               | NUMBER                      | MEAN<br>DURATION<br>(DAYS) 1/ | WORKERS<br>INVOLVED | NUMBER                                   | PERCENT OF<br>EST. TOTAL<br>WORKING<br>TIME 2/ |
| <b>MANUFACTURING - CONTINUED</b>                                                                              |                             |                               |                     |                                          |                                                |
| CHEMICALS AND ALLIED PRODUCTS.....                                                                            | 109                         | 52.2                          | 17.7                | 747.4                                    | 0.29                                           |
| INDUSTRIAL INORGANIC AND ORGANIC CHEMICALS.....                                                               | 84                          | 43.0                          | 10.1                | 303.6                                    |                                                |
| PLASTICS MATERIALS AND SYNTHETIC RESINS,<br>SYNTHETIC RUBBER, AND OTHER RAW-MADE<br>FIBERS, EXCEPT GLASS..... | 16                          | 65.4                          | 1.0                 | 42.2                                     |                                                |
| DRUGS.....                                                                                                    | 5                           | 32.9                          | 1.3                 | 47.6                                     |                                                |
| SOAP, DETERGENTS, AND CLEANING<br>PREPARATIONS, PERFUMES, COSMETICS, AND<br>OTHER TOILET PREPARATIONS.....    | 7                           | 94.4                          | .5                  | 46.5                                     |                                                |
| PAINTS, VARNISHES, LACQUERS, ENAMELS, AND<br>ALLIED PRODUCTS.....                                             | 11                          | 41.9                          | .7                  | 20.5                                     |                                                |
| GUM AND WOOD CHEMICALS.....                                                                                   | 4                           | 152.6                         | 1.0                 | 100.0                                    |                                                |
| AGRICULTURAL CHEMICALS.....                                                                                   | 5                           | 13.5                          | .5                  | 13.9                                     |                                                |
| MISCELLANEOUS CHEMICAL PRODUCTS.....                                                                          | 17                          | 57.6                          | 2.5                 | 173.0                                    |                                                |
| PETROLEUM REFINING AND RELATED PRODUCTS.....                                                                  | 30                          | 41.1                          | 20.4                | 413.3                                    | 1.23                                           |
| PETROLEUM REFINING.....                                                                                       | 25                          | 41.8                          | 19.9                | 403.4                                    |                                                |
| MISCELLANEOUS PRODUCTS OF PETROLEUM AND<br>COAL.....                                                          | 5                           | 14.0                          | .5                  | 9.7                                      |                                                |
| RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS.....                                                               | 57                          | 28.2                          | 10.4                | 238.1                                    |                                                |
| TUBES AND INNER TUBES.....                                                                                    | 6                           | 15.8                          | 3.0                 | 35.4                                     | .16                                            |
| BOILER FOOTWEAR.....                                                                                          | 2                           | 27.7                          | 1.0                 | 20.3                                     |                                                |
| RECLAIMED RUBBER.....                                                                                         | -                           | -                             | -                   | -                                        |                                                |
| FABRICATED RUBBER PRODUCTS NOT ELSEWHERE<br>CLASSIFIED.....                                                   | 17                          | 41.3                          | 2.7                 | 90.2                                     |                                                |
| MISCELLANEOUS PLASTICS PRODUCTS.....                                                                          | 32                          | 30.3                          | 3.6                 | 92.3                                     |                                                |
| LEATHER AND LEATHER PRODUCTS.....                                                                             | 9                           | 11.5                          | 1.0                 | 9.3                                      |                                                |
| LEATHER TANNING AND FINISHING.....                                                                            | 3                           | 24.6                          | .3                  | 4.5                                      |                                                |
| INDUSTRIAL LEATHER BELTING AND PACKING.....                                                                   | -                           | -                             | -                   | -                                        |                                                |
| BOOT AND SHOE CUT STOCK AND FINDINGS.....                                                                     | 1                           | 17.0                          | (4)                 | .5                                       |                                                |
| FOOTWEAR, EXCEPT RUBBER.....                                                                                  | 3                           | 5.3                           | .7                  | 3.4                                      |                                                |
| LEATHER GLOVES AND MITTENS.....                                                                               | -                           | -                             | -                   | -                                        | .01                                            |
| LOGGAGE.....                                                                                                  | -                           | -                             | -                   | -                                        |                                                |
| HANDBAGS AND OTHER PERSONAL LEATHER GOODS.....                                                                | -                           | -                             | -                   | -                                        |                                                |
| LEATHER GOODS NOT ELSEWHERE CLASSIFIED.....                                                                   | 2                           | 26.5                          | (4)                 | .9                                       |                                                |
| STONE, CLAY, AND GLASS PRODUCTS.....                                                                          | 140                         | 25.0                          | 17.6                | 484.3                                    | .31                                            |
| FLAT GLASS.....                                                                                               | 3                           | 40.0                          | .4                  | 10.1                                     |                                                |
| GLASS AND GLASSWARE, PRESSED OR BLOWN.....                                                                    | 6                           | 13.5                          | 1.3                 | 132.3                                    |                                                |
| GLASS PRODUCTS, EACH FROM PURCHASED GLASS.....                                                                | 7                           | 11.3                          | 1.9                 | 15.5                                     |                                                |
| CEMENT, HYDRAULIC.....                                                                                        | 3                           | 21.2                          | .6                  | 9.0                                      |                                                |
| STRUCTURAL CLAY PRODUCTS.....                                                                                 | 13                          | 37.9                          | 1.4                 | 74.8                                     |                                                |
| POTTERY AND RELATED PRODUCTS.....                                                                             | 10                          | 12.6                          | 3.0                 | 42.3                                     |                                                |
| CONCRETE, GYPSUM, AND PLASTER PRODUCTS.....                                                                   | 71                          | 31.3                          | 5.9                 | 139.1                                    |                                                |
| CUT STONE AND STONE PRODUCTS.....                                                                             | 4                           | 26.7                          | .1                  | 2.6                                      |                                                |
| ABRASIVES, ASBESTOS, AND MISCELLANEOUS<br>NONMETALLIC MINERAL PRODUCTS.....                                   | 23                          | 29.5                          | 2.7                 | 56.6                                     |                                                |
| PRIMARY METAL INDUSTRIES.....                                                                                 | 161                         | 29.8                          | 42.6                | 1,168.9                                  | .39                                            |
| BLAST FURNACES, STEEL WORKS, AND ROLLING<br>AND FINISHING MILLS.....                                          | 33                          | 18.0                          | 13.6                | 313.2                                    |                                                |
| IRON AND STEEL FOUNDRIES.....                                                                                 | 40                          | 28.3                          | 11.6                | 285.0                                    |                                                |
| PRIMARY SMELTING AND REFINING OF NONFERROUS<br>METALS.....                                                    | 3                           | 1.5                           | 1.6                 | 2.1                                      |                                                |
| SECONDARY SMELTING AND REFINING OF<br>NONFERROUS METALS.....                                                  | 7                           | 22.8                          | .4                  | 6.7                                      |                                                |
| ROLLING, DRAWING, AND EXTRUDING OF<br>NONFERROUS METALS.....                                                  | 32                          | 47.6                          | 5.5                 | 221.8                                    |                                                |
| NONFERROUS FOUNDRIES.....                                                                                     | 21                          | 56.0                          | 3.1                 | 125.9                                    |                                                |
| MISCELLANEOUS PRIMARY METAL PRODUCTS.....                                                                     | 25                          | 38.3                          | 6.0                 | 212.4                                    |                                                |
| FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE,<br>MACHINERY, AND TRANSPORTATION EQUIPMENT.....                   | 309                         | 39.0                          | 48.6                | 1,779.3                                  | .53                                            |
| METAL CANS.....                                                                                               | 11                          | 35.4                          | 1.8                 | 62.3                                     |                                                |
| CUTLERY, HANDTOOLS, AND GENERAL HARDWARE.....                                                                 | 25                          | 50.0                          | 4.8                 | 179.4                                    |                                                |
| HEATING APPARATUS (EXCEPT ELECTRICAL) AND<br>PLUMBING FIXTURES.....                                           | 13                          | 73.4                          | 2.2                 | 100.7                                    |                                                |
| FABRICATED STRUCTURAL METAL PRODUCTS.....                                                                     | 154                         | 31.8                          | 23.7                | 882.6                                    |                                                |
| SCREW MACHINE PRODUCTS, BOLTS, NUTS,<br>SCREWS, AND RIVETS.....                                               | 14                          | 71.7                          | 2.7                 | 187.4                                    |                                                |
| METAL STAMPINGS.....                                                                                          | 23                          | 36.1                          | 3.8                 | 99.8                                     |                                                |
| COATING, ENGRAVING, AND ALLIED SERVICES.....                                                                  | 18                          | 34.3                          | 1.1                 | 25.9                                     |                                                |
| MISCELLANEOUS FABRICATED METAL PRODUCTS.....                                                                  | 15                          | 26.0                          | 1.6                 | 42.1                                     |                                                |
| MACHINERY, EXCEPT ELECTRICAL.....                                                                             | 36                          | 41.3                          | 7.0                 | 199.1                                    | .45                                            |
| ENGINES AND TURBINES.....                                                                                     | 274                         | 37.4                          | 74.4                | 2,370.8                                  |                                                |
| FARM MACHINERY AND EQUIPMENT.....                                                                             | 32                          | 34.2                          | 21.1                | 505.4                                    |                                                |
| CONSTRUCTION, MINING, AND MATERIALS<br>HANDLING MACHINERY AND EQUIPMENT.....                                  | 13                          | 24.9                          | 2.7                 | 60.4                                     |                                                |
| SPECIAL INDUSTRY MACHINERY, EXCEPT<br>METALWORKING MACHINERY.....                                             | 46                          | 29.8                          | 16.4                | 427.7                                    |                                                |
| METALWORKING MACHINERY AND EQUIPMENT.....                                                                     | 55                          | 51.5                          | 9.8                 | 381.4                                    |                                                |
| GENERAL INDUSTRIAL MACHINERY AND EQUIPMENT.....                                                               | 30                          | 55.5                          | 6.9                 | 313.4                                    |                                                |
| OFFICE, COMPUTING, AND ACCOUNTING MACHINES.....                                                               | 44                          | 38.9                          | 6.7                 | 241.8                                    |                                                |
| SERVICE INDUSTRY MACHINES.....                                                                                | 3                           | 35.3                          | .1                  | 2.8                                      |                                                |
| MISCELLANEOUS MACHINERY, EXCEPT ELECTRICAL.....                                                               | 20                          | 39.8                          | 6.8                 | 355.7                                    |                                                |
|                                                                                                               | 23                          | 28.0                          | 4.0                 | 82.1                                     |                                                |

See footnotes at end of table.



Table 14. Work stoppages by industry, 1975—Continued

(WORKERS AND DAYS IDLE IN THOUSANDS)

| INDUSTRY                                                                                                             | STOPPAGES BEGINNING IN YEAR |                               |                     | DAYS IDLE DURING YEAR<br>(ALL STOPPAGES) |                                                |
|----------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------|---------------------|------------------------------------------|------------------------------------------------|
|                                                                                                                      | NUMBER                      | MEAN<br>DURATION<br>(DAYS) 1/ | WORKERS<br>INVOLVED | NUMBER                                   | PERCENT OF<br>EST. TOTAL<br>WORKING<br>TIME 2/ |
| <b>MANUFACTURING - CONTINUED</b>                                                                                     |                             |                               |                     |                                          |                                                |
| ELECTRICAL MACHINERY, EQUIPMENT, AND<br>SUPPLIES.....                                                                | 120                         | 28.3                          | 34.0                | 850.7                                    | 0.19                                           |
| ELECTRIC TRANSMISSION AND DISTRIBUTION<br>EQUIPMENT.....                                                             | 25                          | 25.4                          | 8.9                 | 161.7                                    |                                                |
| ELECTRICAL INDUSTRIAL APPARATUS.....                                                                                 | 26                          | 49.0                          | 7.2                 | 260.8                                    |                                                |
| HOUSEHOLD APPLIANCES.....                                                                                            | 13                          | 28.4                          | 5.2                 | 151.9                                    |                                                |
| ELECTRIC LIGHTING AND WIRING EQUIPMENT.....                                                                          | 17                          | 20.1                          | 2.5                 | 44.2                                     |                                                |
| RADIO AND TELEVISION RECEIVING SETS, EXCEPT<br>COMMUNICATION TYPES.....                                              | 2                           | 10.5                          | 1.4                 | 58.3                                     |                                                |
| COMMUNICATIONS EQUIPMENT.....                                                                                        | 12                          | 21.4                          | 2.2                 | 68.1                                     |                                                |
| ELECTRONIC COMPUTERS AND ACCESSORIES.....                                                                            | 9                           | 29.4                          | 3.4                 | 69.0                                     |                                                |
| MISCELLANEOUS ELECTRICAL MACHINERY,<br>EQUIPMENT, AND SUPPLIES.....                                                  | 10                          | 13.2                          | 3.2                 | 36.5                                     |                                                |
| TRANSPORTATION EQUIPMENT.....                                                                                        | 137                         | 59.3                          | 77.9                | 3,404.9                                  | .92                                            |
| MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT.....                                                                      | 65                          | 28.1                          | 18.5                | 438.1                                    |                                                |
| AIRCRAFT AND PARTS.....                                                                                              | 20                          | 70.0                          | 22.8                | 1,245.5                                  |                                                |
| SHIP AND BOATBUILDING AND REPAIRING.....                                                                             | 30                          | 86.6                          | 24.8                | 1,431.4                                  |                                                |
| RAILROAD EQUIPMENT.....                                                                                              | 8                           | 35.1                          | 10.5                | 261.0                                    |                                                |
| MOTORCYCLES, BICYCLES, AND PARTS.....                                                                                | -                           | -                             | -                   | -                                        |                                                |
| MISCELLANEOUS TRANSPORTATION EQUIPMENT.....                                                                          | 14                          | 32.5                          | 1.2                 | 28.7                                     |                                                |
| PROFESSIONAL, SCIENTIFIC, AND CONTROLLING<br>INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL<br>GOODS; WATCHES AND CLOCKS..... | 32                          | 33.7                          | 10.7                | 287.9                                    | .23                                            |
| RESEARCH INSTRUMENTS AND ASSOCIATED<br>EQUIPMENT.....                                                                | 7                           | 8.0                           | 5.6                 | 54.3                                     |                                                |
| INSTRUMENTS FOR MEASURING, CONTROLLING, AND<br>INDICATING PHYSICAL CHARACTERISTICS.....                              | 12                          | 80.8                          | 3.1                 | 175.0                                    |                                                |
| OPTICAL INSTRUMENTS AND LENSES.....                                                                                  | 2                           | 38.7                          | (4)                 | 9.1                                      |                                                |
| SURGICAL, MEDICAL, AND DENTAL INSTRUMENTS<br>AND SUPPLIES.....                                                       | 5                           | 43.4                          | .4                  | 18.3                                     |                                                |
| OPHTHALMIC GOODS.....                                                                                                | -                           | -                             | -                   | 2/1.9                                    |                                                |
| PHOTOGRAPHIC EQUIPMENT AND SUPPLIES.....                                                                             | 3                           | 20.4                          | .1                  | 1.8                                      |                                                |
| WATCHES, CLOCKS, CLOCKWORK OPERATED DEVICES<br>AND PARTS.....                                                        | 3                           | 27.0                          | 1.4                 | 27.8                                     |                                                |
| MISCELLANEOUS MANUFACTURING INDUSTRIES.....                                                                          | 37                          | 28.2                          | 5.8                 | 255.4                                    | .25                                            |
| JEWELRY, SILVERWARE, AND PLATED WARE.....                                                                            | 4                           | 46.2                          | .9                  | 58.6                                     |                                                |
| MUSICAL INSTRUMENTS.....                                                                                             | 1                           | 13.0                          | .4                  | 3.5                                      |                                                |
| TOYS, AMUSEMENT, SPORTING AND ATHLETIC<br>GOODS.....                                                                 | 9                           | 55.3                          | 1.3                 | 61.4                                     |                                                |
| INKS, PENCILS, AND OTHER OFFICE AND<br>ARTISTS' MATERIALS.....                                                       | 4                           | 20.8                          | .9                  | 105.5                                    |                                                |
| COSTUME JEWELRY, COSTUME NOVELTIES,<br>BUTTONS, AND MISCELLANEOUS NOVELTIES,<br>EXCEPT PRECIOUS METALS.....          | 3                           | 24.1                          | .2                  | 2.5                                      |                                                |
| MISCELLANEOUS MANUFACTURING INDUSTRIES.....                                                                          | 16                          | 15.9                          | 2.1                 | 24.0                                     |                                                |
| NONMANUFACTURING.....                                                                                                | 2/3,138                     | 16.6                          | 1,281.8             | 16,380.9                                 | .11                                            |
| AGRICULTURE, FORESTRY, AND FISHERIES.....                                                                            | 7                           | 72.5                          | .7                  | 35.9                                     | .01                                            |
| AGRICULTURAL PRODUCTION.....                                                                                         | 3                           | 83.8                          | .5                  | 31.6                                     |                                                |
| AGRICULTURAL SERVICES AND HUNTING AND<br>TRAPPING.....                                                               | 3                           | 18.0                          | .1                  | 1.4                                      |                                                |
| FORESTRY.....                                                                                                        | -                           | -                             | -                   | -                                        |                                                |
| FISHERIES.....                                                                                                       | 1                           | (6)                           | (4)                 | 2.8                                      |                                                |
| MINING.....                                                                                                          | 1,165                       | 5.8                           | 391.6               | 1,642.8                                  | .88                                            |
| BITAL MINING.....                                                                                                    | 6                           | 57.0                          | .7                  | 28.9                                     |                                                |
| IRON ORES.....                                                                                                       | -                           | -                             | -                   | -                                        |                                                |
| COPPER ORES.....                                                                                                     | 2                           | 81.1                          | .4                  | 22.5                                     |                                                |
| LEAD AND ZINC ORES.....                                                                                              | 2                           | 31.4                          | .1                  | 3.3                                      |                                                |
| GOLD AND SILVER ORES.....                                                                                            | -                           | -                             | -                   | -                                        |                                                |
| BAUXITE AND ALUMINUM ORES.....                                                                                       | -                           | -                             | -                   | -                                        |                                                |
| PERMALLOY ORES EXCEPT TANTALUM.....                                                                                  | -                           | -                             | -                   | -                                        |                                                |
| METAL MINING SERVICES.....                                                                                           | -                           | -                             | -                   | -                                        |                                                |
| MISCELLANEOUS METAL ORES.....                                                                                        | 2                           | 24.5                          | .2                  | 3.1                                      |                                                |
| ANTHRACITE MINING.....                                                                                               | 1                           | 28.0                          | 2.2                 | 44.0                                     |                                                |
| BITUMINOUS COAL AND LIGNITE.....                                                                                     | 1,139                       | 5.4                           | 387.2               | 1,501.3                                  |                                                |
| CRUDE PETROLEUM AND NATURAL GAS.....                                                                                 | 2                           | 105.4                         | .1                  | 9.3                                      |                                                |
| CRUDE PETROLEUM AND NATURAL GAS.....                                                                                 | -                           | -                             | -                   | 2/4.4                                    |                                                |
| NATURAL GAS LIQUIDS.....                                                                                             | -                           | -                             | -                   | -                                        |                                                |
| OIL AND GAS FIELD SERVICES.....                                                                                      | 2                           | 105.4                         | .1                  | 4.4                                      |                                                |
| MINING AND QUARRING OF NONMETALLIC<br>MINERALS, EXCEPT FUELS.....                                                    | 17                          | 48.1                          | 1.4                 | 59.3                                     |                                                |
| DIMENSION STONE.....                                                                                                 | 2                           | (6)                           | .2                  | 7.5                                      |                                                |
| CRUSHED AND BROKEN STONE,<br>INCLUDING GYPHUM.....                                                                   | 4                           | 68.9                          | .4                  | 13.7                                     |                                                |
| SAND AND GRAVEL.....                                                                                                 | 6                           | 40.4                          | .5                  | 14.6                                     |                                                |
| CLAY, CERAMIC, AND REFRACTORY MINERALS.....                                                                          | -                           | -                             | -                   | -                                        |                                                |
| CHEMICAL AND FERTILIZER MINERAL MINING.....                                                                          | 4                           | 53.2                          | .3                  | 9.9                                      |                                                |
| NONMETALLIC MINERALS (EXCEPT FUELS;<br>SERVICES.....                                                                 | -                           | -                             | -                   | -                                        |                                                |
| MISCELLANEOUS NONMETALLIC MINERALS,<br>EXCEPT FUELS.....                                                             | 1                           | 32.0                          | (4)                 | 13.5                                     |                                                |
| CONTRACT CONSTRUCTION.....                                                                                           | 600                         | 33.7                          | 308.0               | 7,307.3                                  | .84                                            |

See footnotes at end of table.



## EXHIBIT N

Table 3. Percent distribution of work stoppages by industry, first 9 months, 1975-76 1/--continued.

| Industry group                                                           | Work stoppages |       | Workers involved |       | Days idle |       |
|--------------------------------------------------------------------------|----------------|-------|------------------|-------|-----------|-------|
|                                                                          | 1975           | 1976p | 1975             | 1976p | 1975      | 1976p |
| Nonmanufacturing <u>2/</u> ----                                          | 63             | 59    | 75               | 62    | 55        | 33    |
| Agriculture, forestry, and fisheries-----                                | (3)            | (3)   | (3)              | (3)   | (3)       | (3)   |
| Mining-----                                                              | 23             | 20    | 24               | 14    | 6         | 3     |
| Contract construction-----                                               | 14             | 11    | 21               | 10    | 28        | 10    |
| Transportation, communication, electric, gas, and sanitary services----- | 5              | 8     | 6                | 21    | 8         | 8     |
| Wholesale and retail trade----                                           | 7              | 10    | 4                | 3     | 4         | 4     |
| Finance, insurance, and real estate-----                                 | (3)            | (3)   | (3)              | (3)   | 1         | (3)   |
| Services-----                                                            | 4              | 5     | 2                | 5     | 1         | 4     |
| Government <u>7/</u> -----                                               | 10             | 5     | 20               | 8     | 7         | 4     |

1/ The number of stoppages and workers involved relate to disputes that began in the period, days of idleness to all stoppages in effect.

2/ The number of stoppages reported for a division may not equal the sum of its components because individual stoppages occurring in two or more groups have been counted in each. Workers and days idle have been allocated among the respective groups.

3/ Less than 0.5 percent.

4/ Includes other finished products made from fabrics and similar materials.

5/ Excludes ordnance, machinery, and transportation equipment.

6/ Includes professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks.

7/ The situations reported here have, for statistical purposes, been deemed to fall within the Bureau's definition of a work stoppage. This decision does not constitute a legal determination that a work stoppage has taken place in violation of any law or public policy.

NOTE: Because of rounding, sums of individual items may not equal totals.  
Dash (-) denotes zero.  
p=preliminary.



## EXHIBIT N

Table 3. Percent distribution of work stoppages by industry, first 9 months, 1975-76 1/

| Industry group               | Work stoppages |       | Workers involved |       | Days idle |       |
|------------------------------|----------------|-------|------------------|-------|-----------|-------|
|                              | 1975           | 1976p | 1975             | 1976p | 1975      | 1976p |
| All industries 2/ -----      | 100            | 100   | 100              | 100   | 100       | 100   |
| Manufacturing 2/ -----       | 37             | 41    | 23               | 38    | 45        | 67    |
| Ordnance and accessories --- | (3)            | (3)   | (3)              | (3)   | 1         | (3)   |
| Food and kindred products -- | 3              | 4     | 2                | 4     | 2         | 4     |
| Tobacco manufactures -----   | ---            | (3)   | ---              | (3)   | ---       | (3)   |
| Textile mill products -----  | 1              | 1     | (3)              | (3)   | (3)       | (3)   |
| Apparel 4/ -----             | 1              | 1     | 1                | (3)   | (3)       | (3)   |
| Lumber and wood products,    |                |       |                  |       |           |       |
| except furniture -----       | 2              | 1     | 1                | 1     | 1         | 1     |
| Furniture and fixtures ----- | 1              | 1     | 1                | (3)   | 1         | 1     |
| Paper and allied products -- | 2              | 2     | 1                | 1     | 2         | 2     |
| Printing, publishing, and    |                |       |                  |       |           |       |
| allied industries -----      | 1              | 1     | 1                | (3)   | 1         | 1     |
| Chemicals and allied         |                |       |                  |       |           |       |
| products -----               | 2              | 2     | 1                | 1     | 2         | 2     |
| Petroleum refining and       |                |       |                  |       |           |       |
| related industries -----     | 1              | (3)   | 1                | (3)   | 2         | (3)   |
| Rubber and miscellaneous     |                |       |                  |       |           |       |
| plastics products -----      | 1              | 2     | 1                | 4     | 1         | 19    |
| Leather and leather          |                |       |                  |       |           |       |
| products -----               | (3)            | (3)   | (3)              | (3)   | (3)       | (3)   |
| Stone, clay, and glass       |                |       |                  |       |           |       |
| products -----               | 3              | 3     | 1                | 2     | 1         | 3     |
| Primary metal industries --- | 3              | 4     | 2                | 1     | 4         | 3     |
| Fabricated metal products 5/ | 6              | 6     | 3                | 2     | 5         | 5     |
| Machinery, except            |                |       |                  |       |           |       |
| electrical -----             | 5              | 6     | 4                | 3     | 7         | 5     |
| Electrical machinery,        |                |       |                  |       |           |       |
| equipment, and supplies --   | 2              | 4     | 2                | 6     | 3         | 9     |
| Transportation equipment --- | 3              | 3     | 4                | 12    | 10        | 13    |
| Instruments, etc. 6/ -----   | 1              | (3)   | 1                | (3)   | 1         | (3)   |
| Miscellaneous manufacturing  |                |       |                  |       |           |       |
| industries -----             | 1              | 1     | (3)              | (3)   | 1         | 1     |

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February 10, 1978

The Honorable A. Daniel Fusaro, Clerk  
United States Court of Appeals  
United States Courthouse  
Foley Square  
New York, New York 10007

Re: Case No. 77-4196  
NLRB, Petitioner, and  
Elmsford Sheet Metal Works, Inc.,  
Intervenor vs. Sheet Metal Workers  
International Association, Local  
Union No. 38, Respondent

Dear Sir:

Enclosed herewith for filing in the above-captioned matter are twenty-five (25) copies of the Brief of the Sheet Metal and Air-Conditioning Contractors National Association, as amicus curiae. Copies of said Brief of amicus curiae have been sent to all counsel of record as noted on the Certificate of Service.

Sincerely,



Robert L. Bach

RLB/dac

Enclosures



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the brief of SMACNA, as amicus curiae, in Case No. 77-4196 has been served on the parties listed below by depositing same in the United States mail, postage prepaid, this 10 day of February, 1978.

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Subscribed and sworn to before me  
this 10<sup>th</sup> day of February, 1978

  
Notary Public

